

Application Number	25/2112/FH
Location	Former Foxwood School, 59 Seabrook Road, Hythe, CT21 5QJ
Application Description	Hybrid application comprising: <ol style="list-style-type: none">1. Full planning application for the erection of 60 dwellings together with retained and enhanced green infrastructure framework, open space, parking and all associated engineering operations;2. Outline planning application (all matters reserved except access) for up to 90 residential units.
Applicant	URECO Homes 23 Limited
Agent	Hume Planning Consultancy, Innovation House Discovery Park, Innovation Way, Sandwich CT13 9ND
Officer Contact:	Alex Stafford

Recommendation

That planning permission be granted subject to the conditions set out at the end of the report and the applicant entering into a S106 legal agreement securing as set out in Table 1 and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he considers necessary.

1. Reason for consideration by the Committee

- 1.1. The application is reported to Committee in accordance with the Councils scheme of delegation because an objection has been received from the Town Council.

2. Site and Surroundings

- 2.1 The site, which covers an area of approximately 6.3ha, is located between Seabrook Road to the south, and Cliff Road to the north, within the defined, built up area of Hythe. There is an existing vehicular access from Seabrook Road and residential development, in the form of houses and apartments, surround the site on all boundaries. The southernmost boundary runs along the rear of properties fronting Seabrook Road. The northern boundary forms the southern side of Cliff Road, in the central part of the site, and either side of that, to the south of properties in Cliff Road.

- 2.2 The site contains a number of large, former education buildings that comprised Foxwood School, which was a Special Educational Needs School. The site and buildings have been vacant since 2016, when the school was amalgamated with the Highview School in Folkestone. Both were relocated to form “The Beacon”, a new, purpose built educational establishment in Park Farm Road, Folkestone.
- 2.3 Since that time, the buildings and grounds have been unmaintained, leading to deterioration in their condition and usability, with landscaping becoming overgrown. The prolonged vacancy has also resulted in incidents of anti-social behaviour, including fires.
- 2.4 The site itself is relatively well screened from surrounding views as a result of the existing trees and landscaping within and at the perimeters of the site. Ground levels across the site rise significantly from south to north, in a series of terraces around which the existing buildings and roads are located. It contains 8 existing buildings spread across the site in two distinct areas, and they vary from traditional pitched-roof school buildings to more modern, flat-roofed design, varying in height between 1 – 4 storeys.
- 2.5 A number of trees are situated on the site boundaries and there are many within the site itself, mainly two large groups in the centre and north of the site. Since the site was vacated in 2016, it has not been managed and as a result, there are a number of self-seeded sycamore and ash trees within the site. There are a number of TPOs within the site and around its boundaries, including, a blanket TPO covering the whole site, one in linear form along the southern boundary of the site (which forms the joint boundary with properties fronting Seabrook Road), one on the northern boundary of the site on Cliff Road, and another, to the eastern boundary.
- 2.6 The site is visible from long range views, particularly from Princes Parade to the south. It is not within the Kent Downs National Landscape and Special Landscape Area, which is to the north of Cliff Road. It does not contain any listed buildings, but a Grade II listed building – The Black Cottage, 100 Seabrook Road is located approximately 40m to the west of the site access. The Historic Park and Garden of Sea Close is located to the west and the Royal Military Canal – a Scheduled Monument – is located approximately 150m to the south of the site. The site lies partially within a Biodiversity Action Plan Priority Habitat and is within Flood Zone 1, being at the lowest probability of flooding. The site lies within an area identified at risk of landslip.
- 2.7 The site location is shown in Figures 1 and 2 below and attached to this report as **Appendix 1**.



Figure 1: Site Location Plan



Figure 2: Site Location Plan

3. Proposal

3.1. This application seeks planning permission for the redevelopment of the site,

following the demolition of the existing former school buildings.

3.2. The proposal comprises the following elements:

- Full planning permission for the erection of 60 residential units, together with associated access, parking, internal roads, open space, retained and enhanced green infrastructure, landscaping, sustainable drainage systems and all associated engineering and enabling works, and;
- Outline planning permission (with all matters reserved except for the main access into the site from Seabrook Road) for the erection of up to 90 residential units on the lower part of the site.

3.3. The total quantum of development proposed across the site would be up to 150 dwellings, all of which would be market housing, with no affordable housing provision proposed.

3.4. The submitted scheme is proposed to be landscape-led, responding to the sites two principal plateaus, steeply sloping wooded areas and established tree cover. Built development is proposed to be concentrated within the more developable plateau areas.

3.5. The proposed site layout is detailed in Figure 3 below. The area shown in outline is illustrative only.

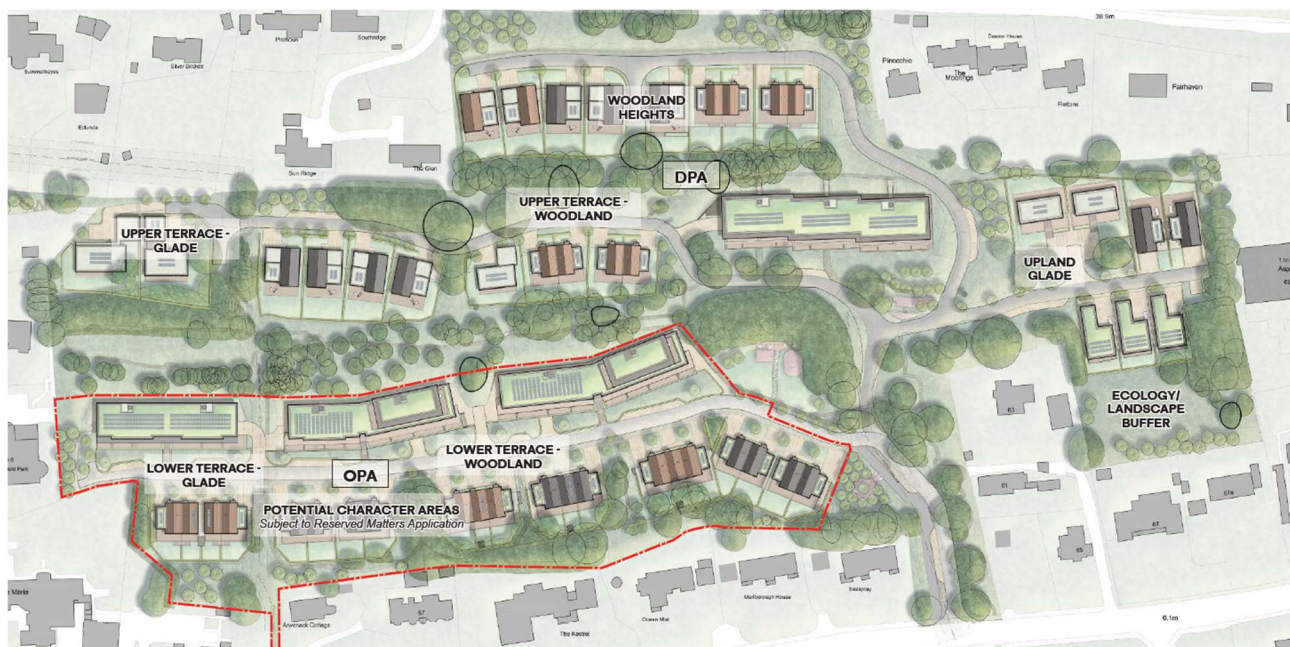


Figure 3: Proposed Site Layout

Detailed Planning Permission Element – 60 Dwellings

3.6. The detailed element of the application seeks full planning permission for 60

dwelling, comprising a mixture of 2, 3, 4 and 5 bedroom houses and apartments. 8 units would be self/custom-build dwellings.

3.7. The accommodation mix proposed within the detailed element of the scheme is set out below.

Dwelling Type	Unit Size	Number of Units
Apartments	2 bedroom	29
Apartments	3 bedroom	4
Apartments – Total		33
Houses	3 bedroom	9
Houses	4 bedroom	17
Houses	5 bedroom	1
Houses – Total		27
Overall Total		60 dwellings

3.8. The apartments would be contained within a single apartment building (Block A), and the houses would comprise of detached, semi-detached and terraced dwellings.

3.9. The proposed layout is arranged into a number of defined character areas across the upper and central parts of the site which can be seen in Figure 4. Each character area proposes its own scale, form and relationship to the landscape, but which seeks to be unified through its architectural language and materials palette. The characteristics of each of the proposed character areas are described as follows:



Figure 4: Proposed Character Areas

Woodland Heights Character Area



Figure 5: Woodland Heights Character Area

- 3.10. The Woodland Heights character area would be located at the northernmost and highest part of the site, adjacent to Cliff Road. Development in this area would comprise a mixture of 4 bedroom detached houses and semi-detached 3 bedroom houses, arranged along a single internal access road located to the north of the dwellings.

- 3.11. The buildings would be two storeys in height and set on a level platform. The architectural approach would incorporate a combination of pitched gable roofs and flat roof elements, first floor south facing terraces are also proposed.
- 3.12. A consistent materials palette is proposed within this character area, with buff brickwork as the primary material, with areas of dark vertical cladding, feature brickwork and metal detailing and fascias. Roofs would be finished in natural or clay effect tiles. Fenestration would be generally focused on the principal north and south elevations, with dark profile window and door frames and glass or dark metal balustrades proposed.
- 3.13. Parking would be provided on plot and within integral car ports with visitors parking proposed on street.

Upper Terrace Woodland and Upper Terrace Glade Character Areas

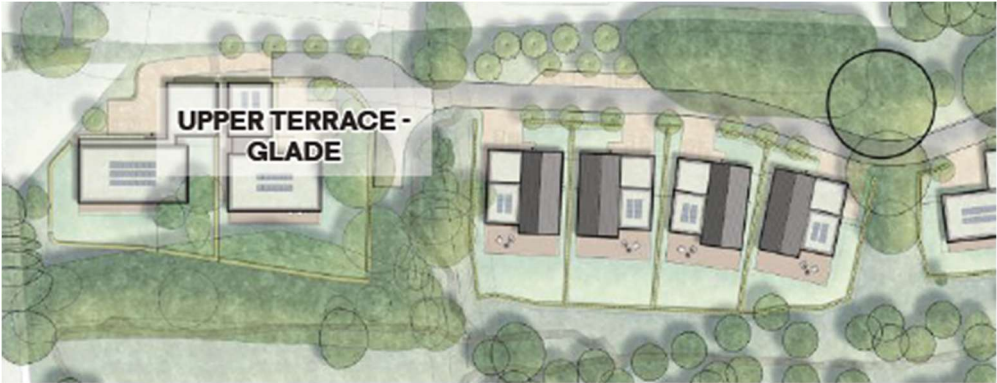
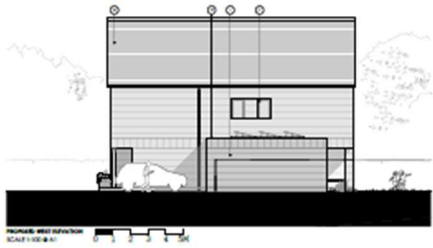
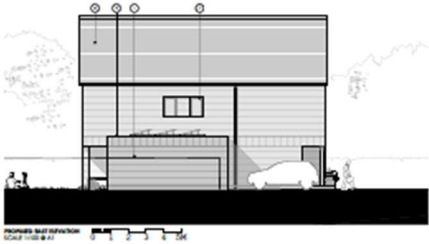
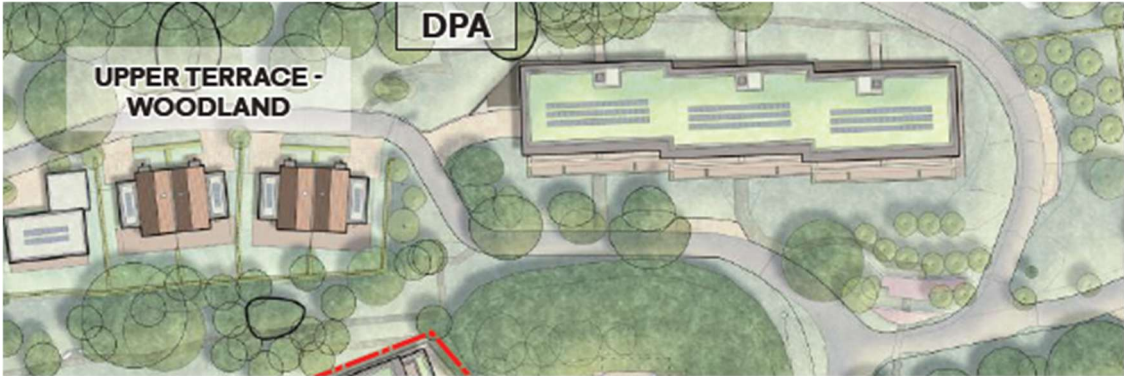




Figure 6: Upper Terrace Glade Character Area



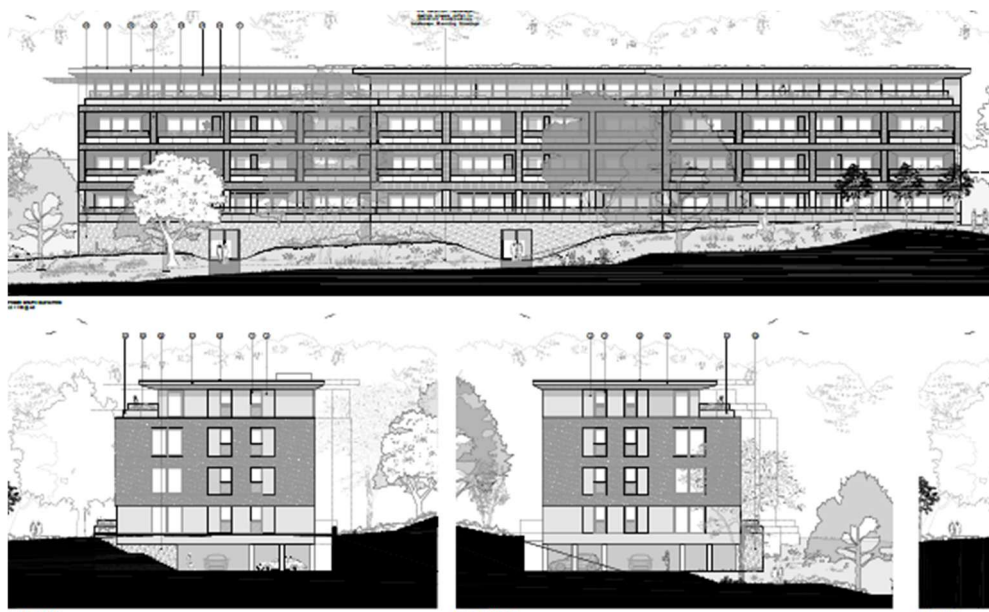


Figure 7: Upper Terrace Woodland Character Area

- 3.14. The Upper Terrace Woodland and Upper Terrace Glade character areas would be located on the central upper plateau of the site. It is proposed to contain a mix of building types, including the apartment building (Block A – 2 and 3 bedroom units) and 3, 4 and 5 bedroom detached and semi-detached houses. Plot 44 located to the western edge of this character area is identified as a self/custom-build plot.
- 3.15. Block A would comprise of 33 apartments arranged over 4 storeys, plus an undercroft parking level, which would be partially below ground level due to the cut and fill proposed. The majority of the apartments would be dual or triple aspect, with no north facing units proposed. All apartments would be designed with south facing primary living spaces to maximise levels of natural daylight.
- 3.16. The apartment building form proposes set back and recessed elements, with south facing balconies provided to individual apartments. The apartment building would be accessed from the road network to the west of the building with pedestrian routes running around its perimeter with pedestrian access to the north and south.
- 3.17. The undercroft level would accommodate 43 car parking spaces, together with secure cycle storage and building servicing areas. Apartment access would be provided via a central circulation core connecting all floors, including the undercroft level.
- 3.18. The proposed building would incorporate a sedum green roof, with external materials comprising grey multi-stock brickwork and stone effect cladding. Dark metal cladding and fascias are also proposed to the parapet and edge elements. Windows and doors would be dark slim profile frames, and the

balconies would be finished with glass balustrades with integrated dark metal clad planters. Retaining gabion walls are also proposed.

- 3.19. The dwellings within these character areas would be two storeys in height, with some house types incorporating integrated carports, with enclosed bin and cycle storage. The building forms would include a combination of pitched roof elements and flat roof sections, with massing articulated through gable features, recessed elevations, and variations in roof height. Several dwellings would incorporate inset terraces/covered external spaces formed within the building envelope.
- 3.20. In terms of the proposed materials palette this would include buff brickwork and stone walls as the principal facing materials, with areas of feature brick detailing and dark vertical cladding proposed on upper levels and secondary elevations. Dark metal cladding and fascias are also proposed with roof finishes proposed to comprise of natural or clay effect roof tiles to pitched roofs. Windows and doors are specified with dark coloured profile frames, and glass balustrades are proposed.
- 3.21. The houses within this character area would be arranged along the upper terrace road. Parking for the houses would be provided on plot on driveways or within integrated car ports. Visitors parking is proposed within the street.
- 3.22. Buildings within this area would be separated by landscaped spaces and retained trees, with pedestrian connections proposed linking to adjacent character areas and the central open space.

Upland Glade Character Area



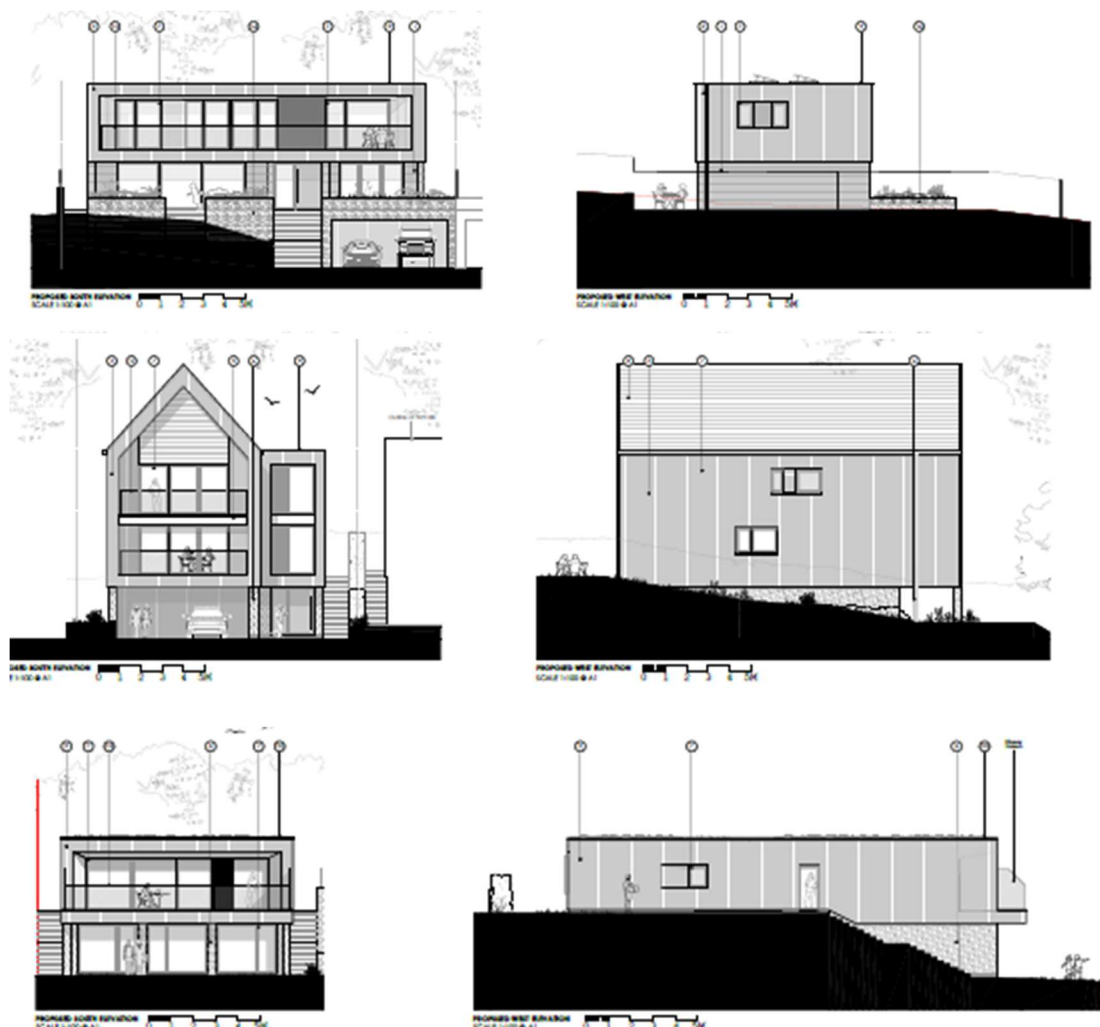


Figure 8: Upland Glade Character Area

- 3.23. The Upland Glade character area would be located on the eastern side of the site. The development in this area would comprise 7no, 4 bedroom detached houses, located within generous plots. All of these dwellings would be custom/self-build dwellings. The design of the dwellings seeks to respond to changes in ground level, with some incorporating undercroft parking and stepped access arrangements.
- 3.24. Buildings within this character area would range between two and three storeys depending on their position within the slope. Some of the dwellings would be arranged to address the southern part of the site, with gardens and terraces positioned to the south. A 30 metre deep ecological buffer is proposed to be located to the south of this character area, separating the proposed built development from the site boundary.
- 3.25. The architectural form would see a combination of pitched roof elements with flat roof sections, with building mass articulated through changes in plan depth, recessed elevations and vertically expressed elements. External

terraces and balconies are also proposed.

- 3.26. In terms of materials, these would include buff brickwork and stone finish walls, feature brick detailing with dark vertical cladding applied to upper levels and recessed sections. Dark metal cladding and fascias are shown to selected edges and detailing. Openings would comprise dark profile windows and doors, with glass balustrades and privacy screens to balconies. Roofs materials would include clay or clay effect tiles and green roofs.
- 3.27. To allow for a degree of personalisation while maintaining a coherent design approach, each custom/self-build plot would be based on a pre-approved design. Limited variation could then be sought by future occupiers related to external materials and finishes (within an approved external palette), internal layouts (within the approved building envelope), detailing and fenestration, and landscaping within individual plot boundaries. Key parameters, including the number of bedrooms, building height and plot boundaries, would remain fixed to ensure that the overall form, scale and visual coherence of the development would be preserved.
- 3.28. On plot parking is proposed to serve each dwelling in the form of private driveways and integral car barns with on street visitors parking also proposed. Internal pedestrian connections would also be provided to the wider site.

Access, Movement and Parking Strategy

- 3.29. Vehicular access to the site would be taken from the existing access on the A259 Seabrook Road, located along the southern boundary of the site. An emergency access is proposed directly to the west of the existing accessway in the form of a wide cycle/footpath with removable bollards. A signalised pedestrian crossing on the A259 east of the site entrance is also proposed for which a Stage 1 Road Safety Audit has been carried out.
- 3.30. There would be no vehicular access from Cliff Road. The internal roads are proposed to remain unadopted but would be constructed to an adoptable standard, incorporating raised tables at regular intervals for traffic calming purposes along with natural measures in the form of landscaping.
- 3.31. Pedestrian footways would be provided throughout the development, together with a new pedestrian link at the northern edge of the site connecting to Cliff Road and the wider public rights of way network beyond.
- 3.32. All apartments within Block A would be served by allocated undercroft parking spaces (43 spaces), with these parking areas screened by landscaped bunding. A total of 70 cycle parking spaces are proposed to serve the apartment building.
- 3.33. Each dwellinghouse would be provided with a minimum of two independently accessible parking spaces, with parking provision varied across the site and comprising carports and driveways. Visitor parking would be provided within the street and distributed throughout the development. All houses would also

include secure storage capable of accommodating a minimum of four cycles.

- 3.34. Electric vehicle charging points are proposed for all dwellings with private driveways, with additional charging facilities provided within the undercroft parking areas to serve the apartment building. A number of on-street visitor parking bays would also be equipped with EV charging infrastructure. All charging systems would incorporate intelligent controls to minimise peak demand on the grid by optimising charging times and prioritising the use of renewable energy where available.

Landscape Strategy

- 3.35. The proposed development adopts a landscape-led approach informed by the site's existing topography and established landscaping. The scheme seeks to retain and enhance where possible the existing green infrastructure, supported by a surface water management strategy incorporating permeable surfacing, rain gardens and on-site storage areas.
- 3.36. The proposals include the provision of a green roof to the apartment building as well as some of the dwellings, significant retention of existing trees and woodland, and replacement planting where low quality trees would be removed, including the planting of approximately 170 new trees across the site. Green corridors are proposed running predominantly east to west to strengthen connectivity between retained landscapes and new planting. The development also provides an on-site children's play area (LAP) and accessible public open space of approximately 1.8ha, alongside a managed ecological zone in the south eastern part of the site incorporating new habitat features and landscaping.

Refuse and Recycling Strategy

- 3.37. Refuse and recycling provision would be integrated within the site layout, with dedicated storage provided for each dwelling and the apartment building. For houses, bin storage would be located within the curtilage of each plot, typically within integrated carports or positioned close to the dwelling for ease of use. For Block A, communal refuse and recycling facilities would be provided within a dedicated refuse store located to the west of the building. In all cases, bin pull distances would not exceed the 30 metre British Standard.

Energy and Sustainability Strategy

- 3.38. The proposed energy strategy incorporates passive design measures, including building orientation and architectural features such as balconies and roof overhangs, to optimise daylight and manage solar gain. Photovoltaic panels and air-source heat pumps are proposed to provide low carbon energy for heating, hot water and electricity generation.
- 3.39. Electric vehicle charging points would be provided for dwellings and apartments. Green roofs, together with the retention of existing trees and new

planting, are proposed to contribute to thermal performance, biodiversity enhancement and surface water management. It is also proposed that excavated materials would be reused on the site. The dwellings would be provided with water butts.

Space Standards

- 3.40. All dwellings proposed within the detailed element of the application would meet the Nationally Described Space Standards (NDSS), meeting or exceeding the minimum internal floor areas for each unit size, minimum bedroom dimensions and a minimum floor to ceiling height of 2.3 metres. Private garden areas are also proposed to be provided to all houses, with the majority benefitting from rear garden depths typically ranging from around 9 to 13 metres, and generally at least 10 metres in depth. In the Upland Glade area, three dwellings would have shorter rear gardens of approximately 6.7 metres, which is proposed to be supplemented by full width first floor terraces together with an outlook over the adjacent ecological buffer.

Outline Planning Permission Element – Up to 90 Dwellings

- 3.41. The outline component of the proposed development applies to the lower plateau of the application site and seeks permission for a maximum of 90 residential units, with details of layout, appearance, scale and landscaping reserved for future approval. Access (via Seabrook Road) is the only matter being proposed in detail at this stage.
- 3.42. The outline element of the application is supported by an illustrative masterplan, which shows a mixture of 3 and 4 bedroom semi-detached and terraced houses as well as 1, 2 and 3 bedroom apartments however this masterplan is provided to show one possible way in which the outline development could be laid out within the defined outline application area. The illustrative layout therefore does not seek to fix the detailed design, scale or appearance of the proposed development, with these matters reserved for future consideration through subsequent reserved matters applications.
- 3.43. The purpose of the outline application is therefore to establish the principle of development and the maximum number of homes, while retaining flexibility for the detailed design to be considered at a later stage through reserved matters applications. This allows the scheme to respond to detailed technical work, consultation feedback and any changes in policy or design requirements.
- 3.44. To provide certainty, the applicant has submitted parameter plans which define the maximum proposed extent and scale of development. These plans confirm that:
- development would be set back from site boundaries, with minimum landscape buffers of approximately 5–17 metres to the southern and western edges; and

- building heights would generally step across the site, with up to 2 storeys to the south, increasing to up to 4 storeys towards the west, and up to 5 storeys towards the northern part of the outline area.

3.45. Overall, the outline element establishes a framework for future development, with detailed design to be brought forward through subsequent applications within these agreed parameters.



Figure 9: Proposed Outline Parameters

3.46. The applicant proposes that the development would be delivered in phases, with the detailed components coming forward first, followed by the outline area subject to future reserved matters approval, as set out in the table below.

Phase	Areas
Phase 1	Woodland Heights
Phase 2	a) Upper Terrace Glade b) Upper Terrace Woodland – housing units c) Upper Terrace Woodland – apartment units d) Upland Glade
Phase 3	Lower Terrace

3.47. The following reports were submitted by the applicant in support of the proposals:

Planning Statement

- 3.48. The Planning Statement assesses the proposals in the context of the requirements of the local policy and guidance, the NPPF and other material considerations.
- 3.49. The site is identified as a previously developed, vacant site within the settlement boundary of Hythe and, in the applicant's view, represents an opportunity to deliver housing in a sustainable and accessible location.
- 3.50. The site is allocated for residential development for up to 150 dwellings in policy UA17 of the Place and Policies Local Plan (PPLP).
- 3.51. The proposed scheme has been informed by a previously approved but lapsed 150 unit permission, and the current proposals seek to retain accepted development parameters while introducing a more landscape-led approach, a rebalanced housing mix, and a reduction in overall built footprint. The proposed development would comprise a mix of houses and apartments, with eight custom/self-build plots included to meet the specific requirement of the site allocation. The outline masterplan is presented as illustrative, intended to demonstrate how the remaining units could be accommodated at the reserved matters stage.
- 3.52. In policy terms, the applicant states that the development is compliant with the local development plan and the National Planning Policy Framework (NPPF), stating that the site is allocated for residential use and that the principle of development is therefore established. Reference is made to compliance with policies relating to design, landscape, biodiversity, transport, drainage, heritage and sustainability, supported by a suite of technical reports submitted with the application.
- 3.53. The Planning Statement states that a Viability Assessment accompanies the application and concludes, in the applicant's view, that the scheme is unable to viably deliver policy compliant affordable housing due to site specific constraints including topography, ground conditions and the mandatory biodiversity net gain requirements. The applicant indicates that this position reflects circumstances previously accepted on the site and that the proposed planning obligations would instead focus on infrastructure contributions, biodiversity mitigation and delivery of the self/custom-build plots. (CPO Comment: previously 10% affordable housing was secured on-site together with a commuted sum for 20% affordable housing to be provided off-site).
- 3.54. Overall, the document concludes that the proposals represent a sustainable form of development on an allocated site and states that planning permission should be granted in line with the presumption in favour of sustainable development.

Design and Access Statement

- 3.55. The Design and Access Statement (D&A) sets out the applicant's design principles underpinning the proposed development and states that the proposals have been informed by the site's topography, existing woodland, landscape features and planning history, including a previously approved scheme for the same overall quantum of development.
- 3.56. The D&A describes the scheme as being landscape-led, with development concentrated on existing plateaus and a strong emphasis on the retention of mature trees and woodland, alongside new planting and green infrastructure. A number of character areas are identified, which the applicant states are intended to respond to local site conditions while forming a cohesive overall layout. The outline masterplan is illustrative, with detailed matters reserved for future consideration.
- 3.57. In terms of scale and layout, the D&A states that the development would provide a mix of houses and apartments, with building heights ranging from two to five storeys, arranged to respond to surrounding residential areas and site levels. All dwellings within the detailed application are designed to meet the Nationally Described Space Standards (NDSS), and private amenity space is provided to all houses.
- 3.58. The D&A also sets out the proposed energy and sustainability strategy, including passive design measures, photovoltaic panels, air-source heat pumps, electric vehicle charging points, green roofs, sustainable drainage features and measures to enhance biodiversity.
- 3.59. Overall, it concludes that the proposed development responds to the site constraints and opportunities and establishes a clear design framework for both the detailed and outline elements of the application.

Landscape and Visual Impact Appraisal (LVIA)

- 3.60. The report assesses the likely landscape and visual effects of the proposed residential development.
- 3.61. Planning permission was previously granted in 2022 for 150 dwellings. The current proposals seek a revised scheme. The revised scheme would have a reduced footprint to the approved scheme which would allow for increased green infrastructure and the retention of additional landscape features.
- 3.62. The site lies on sloping land between Seabrook Road and Cliff Road within the urban area of Hythe, surrounded by residential development on all sides. It comprises derelict buildings set within areas of woodland, scrub and grassland and has strong enclosure from mature vegetation.
- 3.63. The site is located within Landscape Character Area 17: Hythe Wooded Hills, which is described as having medium sensitivity to change. It is also adjacent to the Kent Downs National Landscape (KDNL) to the north, with other nearby landscape and heritage designations including the Royal Military Canal and

Hythe Conservation Area.

- 3.64. The LVIA states that whilst the site itself is not subject to landscape designation, it is assessed as being of medium to high landscape value due to its tree cover and contribution to local character.
- 3.65. The report identifies that the site is generally well screened by vegetation and surrounding buildings, with views primarily limited to:
- Distant views from the south, including Princes Parade and the Royal Military Canal.
 - Filtered or partial views from Seabrook Road and nearby residential properties.
 - Limited or no views from the north and northwest due to landform, woodland and existing development.
- 3.66. Visual receptors include residents, users of public rights of way, recreational routes, and road users, with residents and recreational users considered high sensitivity receptors.
- 3.67. The LVIA states that the proposed development would:
- Deliver up to 150 dwellings across a terraced layout responding to site topography.
 - Retain key tree belts and provide over 170 new trees.
 - Include green infrastructure corridors, open space and play areas.
 - Use visually recessive materials and green roofs.
 - Retain access from Seabrook Road only.
- 3.68. The design is described as landscape-led, integrating development into existing contours and vegetation structure.
- 3.69. The LVIA states that development would result in:
- Medium changes to landform and high changes to vegetation pattern, including removal of some trees (including some higher-quality specimens), offset by new planting.
 - A change in site character from derelict wooded site to a well-treed residential environment.
- 3.70. In terms of landscape character:
- Effects on LCA 17 (Hythe Wooded Hills) are assessed as slight adverse at Year 1, reducing to neutral by Year 15 as planting matures.
 - Effects on neighbouring LCAs (Hythe Coast and Wooded Valleys) are assessed as negligible.
 - Effects on the KDNL setting are assessed as very low or negligible.
- 3.71. The report concludes that the development would be in substantial

- accordance with Local Plan landscape policy (Policy NE3).
- 3.72. The LVIA concludes that visual effects would vary depending on viewpoint:
1. From Princes Parade and coastal viewpoints:
 - Moderate adverse effects at Year 1, reducing to slight neutral at Year 15.
 2. From Royal Military Canal and Seabrook Road:
 - Low magnitude effects, adverse at Year 1 and neutral by Year 15.
 3. From Cliff Road and northern receptors:
 - Low or negligible effects, reducing to negligible over time.
 4. From adjacent residential properties:
 - Effects range from low to medium magnitude, with mitigation through setbacks, screening and tree planting.
- 3.73. Overall, the report concludes that visual effects would generally reduce over time as planting matures, with most effects becoming neutral or negligible by Year 15.
- 3.74. The LVIA concludes that:
- The development would result in localised landscape and visual changes, particularly in the short term.
 - The scheme is landscape-led and designed to integrate with the site's topography and vegetation.
 - Long term effects are generally neutral or negligible, following establishment of planting.
 - The proposals would not give rise to significant harm to landscape character or visual amenity and are considered compliant with local landscape policy.

Landscape Statement

- 3.75. The report sets out the landscape-led approach underpinning the proposed development and explains how landscape considerations have informed the overall design and masterplanning of the site.
- 3.76. The site has become rewilded since the closure of the school and contains extensive existing woodland, scrub and grassland, varied topography and framed views towards the seafront. A detailed landscape analysis has been carried out by the applicant technical consultants, assessing landform, habitats, trees, water movement, views and landscape character. The report identifies that flatter plateau areas and previously developed land are the most suitable locations for development, while steep slopes and priority habitats are identified as constraints to be retained and protected.
- 3.77. The Landscape Statement explains that the proposals would retain existing trees and woodland which is a key principle of the scheme. Tree removal is stated to be limited to where necessary to facilitate development and access,

with replacement planting proposed to strengthen woodland character and green connections across the site. The report also outlines a series of distinct landscape character areas, including lower terraces, upper terraces, woodland heights, upland glades, and ecological buffer areas, each proposed to respond to local landscape conditions.

- 3.78. The report sets out the proposed landscape masterplan and strategies, including public and communal open spaces, pedestrian routes, natural play opportunities, woodland walks, and a central social space. A green infrastructure and drainage strategy is also described, incorporating sustainable urban drainage (SuDS) features such as rain gardens and permeable surfaces intended to manage surface water sustainably while also delivering biodiversity benefits.
- 3.79. The Landscape Statement also summarises the findings of the submitted LVIA. It states that while the development would introduce changes to the site's landform and vegetation, effects on the surrounding landscape character areas, including the Hythe Wooded Hills and the setting of the Kent Downs National Landscape, would be low or negligible over time. Visual effects are described as reducing as planting matures, with existing and proposed woodland providing screening in longer term views.
- 3.80. Overall, the report concludes that the proposals seek to create a high quality landscaped environment, integrating development within the existing wooded character of the site, retaining and enhancing ecological features, and establishing a robust landscape framework to guide both the detailed and outline elements of the application.

Preliminary Ecological Appraisal

- 3.81. This report establishes the baseline ecological conditions and identify potential constraints and further survey requirements.
- 3.82. The site comprises a mix of woodland, scrub, grassland, hedgerows and derelict buildings, within a predominantly residential context. The northern woodland qualifies as a Habitat of Principal Importance.
- 3.83. The appraisal identifies that the site has potential to support a range of species, including bats, badgers, reptiles (including confirmed slow worm presence), nesting birds and invertebrates.
- Bats: A confirmed roost is recorded within one building, and further surveys (daytime inspections and emergence surveys) are required.
 - Badgers: Setts are present on-site and additional survey work is required to establish activity and inform mitigation.
 - Reptiles: Presence of slow worm has been confirmed, and mitigation/management measures will be required.
 - Birds: Suitable nesting habitat is present across the site.

- 3.84. Other species such as great crested newts and dormice are considered unlikely to be present, and no impacts are predicted to nearby designated ecological sites.
- 3.85. The site is estimated to deliver approximately 55.18 biodiversity units pre-development, and the scheme will be required to demonstrate at least 10% Biodiversity Net Gain (BNG) in accordance with current legislation.
- 3.86. The report concludes that further ecological surveys (particularly for bats and badgers) are required prior to determination, and that impacts should be avoided and minimised through design in accordance with the mitigation hierarchy. A detailed Ecological Impact Assessment and Biodiversity Net Gain strategy are required to support the planning application.

Ecological Impact Assessment (updated)

- 3.87. The site comprises predominantly regenerating woodland, together with areas of scrub, grassland and previously developed land. Key ecological receptors identified include woodland habitat (a Habitat of Principal Importance), reptiles (slow worm), bats, badgers and breeding birds.
- 3.88. The development would result in the loss of approximately 1.21ha of woodland and 0.20ha of grassland, together with associated habitat fragmentation. In the absence of mitigation, these impacts could adversely affect protected and notable species, including risks to reptiles, disturbance to nesting birds, impacts on bat foraging and commuting routes, and effects on badger foraging and sett use.
- 3.89. A package of mitigation and enhancement measures is proposed, including:
- Retention and protection of key woodland areas and trees
 - Sensitive vegetation clearance and habitat creation for reptiles
 - Protection of badger setts and pre-construction surveys
 - Installation of bat boxes and a bat-sensitive lighting strategy
 - Timing of works to avoid the bird nesting season
 - Treatment of invasive species (Japanese knotweed)
 - Provision of new landscaping and green infrastructure
- 3.90. Subject to implementation of these measures, the report concludes that residual ecological effects would be negligible and not significant. Some minor adverse effects (e.g. woodland loss) would be offset by mitigation and habitat creation, while certain receptors (e.g. roosting bats and birds) may experience neutral or slight beneficial effects.
- 3.91. In biodiversity terms, the scheme would result in an on-site net loss of habitat units, and therefore off-site biodiversity net gain provision is required to meet statutory requirements.
- 3.92. Overall, the proposal is considered acceptable in ecological terms, subject to

mitigation, appropriate planning conditions, and delivery of biodiversity net gain.

Bat Emergence Survey Report

- 3.93. This report sets out the findings of bat surveys undertaken at the site. The survey work followed recommendations from the Preliminary Ecological Appraisal and previous ecological assessments. Surveys included a daytime building and tree inspection, bat emergence and re-entry surveys, and activity surveys undertaken between April and October 2025, in accordance with current industry guidance. A total of 11 buildings and relevant trees within the site boundary were assessed for bat roost suitability.
- 3.94. The report states that of the buildings surveyed, two buildings were confirmed as bat roosts during inspections: one was identified as being used as a feeding perch, while another previously recorded roost was no longer considered suitable following the loss of weatherboarding. One building was assessed as having high suitability for roosting bats earlier in the survey period; however, this building was subsequently subject to fires and no longer retained roosting features, with the exception of a water tank element where no bat emergence was recorded. Most other buildings were assessed as having low or negligible suitability.
- 3.95. Tree inspections identified that the majority of trees within areas affected by the proposals did not contain suitable roost features. Two mature trees to the east of the site were identified as having potential roosting features, but as these trees are proposed to be retained, no further survey or mitigation was considered necessary by the report.
- 3.96. The activity and emergence surveys recorded five bat species using the site: common pipistrelle, soprano pipistrelle, brown long-eared bat, noctule and Natterer's bat. The report states that bat activity levels across the site were generally low, with activity primarily associated with foraging rather than commuting. Based on the number of species recorded, the report considers the bat assemblage to be of county-level importance for foraging and commuting.
- 3.97. The report concludes that because a bat roost feature (feeding perch) was recorded within a building, works affecting this building would require a European Protected Species Mitigation (EPSM) licence from Natural England. The report states that such a licence cannot be obtained until planning permission has been granted and relevant conditions discharged, and that mitigation would include the provision of bat boxes and a method statement to avoid harm to bats during works. The report further states that, subject to mitigation being secured and implemented via the licensing process, there is no bat related reason identified why the proposed development should not proceed.

Biodiversity Net Gain Feasibility Assessment (updated)

- 3.98. This report quantifies the baseline biodiversity and assesses the ability of the proposed development to deliver the statutory minimum 10% Biodiversity Net Gain (BNG).
- 3.99. The site has a baseline value of approximately 55.21 biodiversity units.
- 3.100. The development proposals would result in the loss of woodland and grassland habitats, leading to a predicted net loss of approximately 18.32 biodiversity units (−33.18%) on-site.
- 3.101. On-site mitigation and enhancement measures are proposed, including:
- Retention of some woodland;
 - Creation of new habitats such as grassland, rain gardens, SuDS features and green roofs; and
 - Incorporation of green infrastructure within the layout.
- 3.102. The assessment concludes that on-site provision alone is insufficient to achieve the required 10% net gain, and therefore:
- Off-site compensation will be required, estimated at approximately 32.43 biodiversity units;
 - Suitable habitat units (e.g. woodland and grassland) are considered likely to be available within the Kent biodiversity market; and
 - As a last resort, statutory biodiversity credits may be required if off-site units cannot be secured.
- 3.103. The report confirms that a detailed Biodiversity Gain Plan and Habitat Management and Monitoring Plan (HMMP) will be required at a later stage to secure delivery and long term management of habitats.
- 3.104. Overall, the assessment demonstrates that while the scheme results in a significant on-site biodiversity deficit, compliance with BNG requirements can be achieved through a combination of on-site measures and off-site compensation.

Arboricultural Impact Assessment

- 3.105. The report assesses the condition of trees on and adjacent to the site and the likely effects of the proposed development, in accordance with BS5837:2012.
- 3.106. The site is subject to Tree Preservation Order (TPO) No. 01 of 2020 and contains a substantial tree resource comprising 259 individual trees, 18 groups and one woodland area.
- 3.107. The development would necessitate the removal of a number of trees and groups, together with some limited woodland loss. However, the assessment highlights that:

- Of the individual trees and groups of trees to be removed (73) the majority are Category C or U (61) (low quality or limited life expectancy);
 - All Category A (high quality) trees are retained, and most Category B trees are also retained; and
 - The scheme represents a significantly improved layout compared to the previous consent, reducing tree loss from approximately 60% to around 25% of the tree stock.
- 3.108. Impacts on retained trees include incursions into Root Protection Areas (RPAs) and the need for works within these areas. These impacts can be mitigated through appropriate construction techniques, including:
- Use of 'no-dig' surfacing methods within RPAs;
 - Careful foundation design (including potential piling); and
 - Installation of protective fencing and ground protection measures.
- 3.109. The report concludes that, subject to the implementation of an Arboricultural Method Statement, Tree Protection Plan, and ongoing arboricultural supervision, the majority of significant trees can be successfully retained and protected during construction.
- 3.110. Overall, while the development would result in some tree loss, the assessment finds the arboricultural impact to be acceptable, given the retention of higher value trees, incorporation of existing woodland into the design, and proposed mitigation and replacement planting.

Archaeology Desk Based Assessment

- 3.111. An Archaeological Assessment has been undertaken to establish the archaeological potential of the site and to assess the likely impact of the proposed development.
- 3.112. The site contains no designated archaeological assets, with the nearest being the Royal Military Canal Scheduled Monument (approximately 160m to the south) and the Grade II listed Black Cottage (approximately 50m south). The assessment concludes that the development would not affect the setting, significance or appreciation of these assets.
- 3.113. A limited number of non-designated heritage features are recorded within or close to the site, including:
- A former Hythe and Sandgate railway line crossing the northern part of the site;
 - A Second World War pillbox on the southern boundary; and
 - The former grounds of a convent encroaching into the southwest corner.
- 3.114. The site is assessed as having low archaeological potential across all periods,

primarily due to:

- Its location on former cliff slopes and eroding bluffs, historically unsuitable for settlement; and
- Extensive ground disturbance, including landscaping in the 1930s, previous quarrying, and the construction of school buildings.

3.115. As a result, the report concludes that:

- The proposed development is unlikely to impact on any archaeological remains, whether designated or non-designated; and
- No further archaeological investigation or mitigation is required.

3.116. Overall, the assessment raises no archaeological constraints to the development.

Financial Viability Assessment and Addendum

3.117. The application is supported by a Financial Viability Assessment which concludes that the proposed development would not be viable if it were policy compliant in terms of affordable housing.

3.118. The applicant's appraisal identifies a Gross Development Value of approximately £86.7 million, when considered against total development costs and a policy-compliant benchmark land value that results in a significant viability deficit of around £3.5 million.

3.119. The applicant attributes this deficit primarily to:

- High development costs, including substantial abnormal costs associated with ground conditions, remediation, demolition and infrastructure, totalling over £6.7 million;
- A requirement to deliver extensive landscaping and green infrastructure reflective of the site's constraints and Biodiversity Net Gain;
- Current market conditions, including relatively subdued sales values and increasing construction and finance costs;
- A standard developer return of 20% of GDV, which the applicant considers necessary to reflect.

3.120. The applicant concludes that to bring forward the scheme, which is identified in the Local Plan, the scheme cannot support any affordable housing provision, with CIL and other fixed costs already placing a significant burden on viability.

Viability Addendum

3.121. During the processing of the application the Council took advice on the Viability Assessment. This review highlights some areas of dispute, which were put back to the applicant. In short, the Council's initial view was that the

scheme could support contributions.

- 3.122. The applicant disputed the Council's early conclusions and supplied further viability information to explain their process.
- 3.123. The submitted addendum states that the dispute arises from underestimated build costs and the omission of contingency allowances, and that when corrected, the appraisal again demonstrates no viability surplus.
- 3.124. The applicant therefore contends that policy requirements should not be sought to enable delivery of the scheme, in the alternative the scheme would not be delivered.
- 3.125. Overall, the applicant's case is that the scheme represents a challenging brownfield development with abnormal costs, and that without flexibility on planning obligations, the development would not come forward.

Transport Assessment

- 3.126. The TA states that the site is located on the A259 Seabrook Road and benefits from good accessibility by sustainable modes, including:
- Footways connecting to Hythe town centre (approximately 1.2km away);
 - Nearby bus stops adjacent to the site with frequent services (up to every 30 minutes); and
 - Access to local cycle routes, including the National Cycle Network.
- 3.127. Vehicular access would be taken from the existing approved access onto the A259, which has already been subject to a Road Safety Audit and is considered acceptable. A pedestrian crossing point on Seabrook Road to the east of the site entrance is also proposed.
- 3.128. The assessment confirms that the proposed residential use would result in a reduction in peak hour traffic movements compared to the former school use, with reductions of approximately:
- 78–87 trips in the AM peak, and
 - around 65 trips in the PM peak
- 3.129. Junction modelling (including a future year scenario) demonstrates that:
- The site access and surrounding junctions would operate within capacity; and
 - While one arm of the Station Road/Prospect Road junction is forecast to operate over capacity in the AM peak, conditions would be improved compared to the previous school use.
- 3.130. The scheme provides appropriate car parking, cycle parking and servicing arrangements in accordance with Kent County Council standards.

3.131. Overall, the assessment concludes that the development would:

- Not result in severe impacts on the highway network;
- Be acceptable in terms of highway safety and capacity; and
- Comply with national and local transport policy.

Flood Risk Assessment and Surface Water Management Strategy

3.132. The site lies within Flood Zone 1 and is therefore at low risk of flooding from rivers and the sea. Assessments of all other sources (including surface water, groundwater, sewers and artificial sources) also conclude that the overall flood risk to the site is low, with no recorded historic flooding incidents.

3.133. Notwithstanding the low risk, the FRA identifies some localised surface water ponding within site depressions. These areas are proposed to be regraded as part of the development, with compensatory surface water storage (approximately 236m³) provided to ensure no loss of floodplain capacity or increase in off-site flood risk.

3.134. The drainage strategy adopts a SuDS approach, taking account of site constraints. Infiltration is not proposed due to ground stability concerns; instead, surface water will be attenuated on-site and discharged at a controlled rate to the existing public sewer network.

3.135. The scheme would incorporate a range of SuDS features, including:

- permeable surfacing and sub-base storage;
- green roofs and rain gardens;
- swales and an overflow drainage basin;
- geocellular underground storage; and
- rainwater butts for water reuse.

3.136. Hydraulic modelling demonstrates that the development will include significant attenuation and flow control, resulting in a reduction in peak runoff rates of approximately 46–51% compared to the existing site, including allowances for climate change (+45%).

3.137. Appropriate maintenance and management arrangements would be required to ensure the long term performance of the drainage system, with responsibilities shared between a site management company and individual residents.

3.138. Overall, the FRA concludes that the development would be safe from flooding for its lifetime, would not increase flood risk elsewhere, and provides a sustainable surface water management solution in accordance with the NPPF, national SuDS standards and local policy.

Ground Conditions and Stability Report

- 3.139. This report describes the site specific ground conditions, slope stability considerations and proposed engineering solutions for the redevelopment of the site.
- 3.140. The report summarises a programme of extensive ground investigations previously undertaken, including boreholes, trial pits, window sampling, laboratory testing, groundwater and gas monitoring, and slope monitoring using inclinometers. The report states that modelling and analysis of these investigations indicate that the existing slopes are generally stable, subject to appropriate design and construction controls.
- 3.141. The report identifies that the site comprises areas of Made Ground, landslide deposits, and underlying geological formations including the Sandgate Formation, Hythe Formation, Atherfield Clay and Weald Clay, with groundwater encountered locally within the Sandgate and Hythe formations. Localised shallow ground movement has been recorded in part of the site, particularly within the upper few metres, and the report explains that this is addressed through design mitigation measures rather than indicating deep seated slope instability.
- 3.142. The report sets out recommended engineering measures, including a levels and earthworks strategy that seeks to minimise excavation and utilise existing plateaus, the use of shallow foundations where suitable, and retaining structures such as sheet piling and gabions where required. It also states that drainage design is a key consideration in maintaining slope stability and should be integrated with the surface water management strategy
- 3.143. Overall, the report concludes that, subject to detailed design, further localised investigation where necessary, and appropriate construction controls, the site is considered suitable for redevelopment, and that the proposed development can be accommodated without unacceptable risks to ground stability.

Health Impact Assessment

- 3.144. The HIA is an assessment which considers the likely effects of the development on a range of wider determinants of health, including housing quality, access to services, open space, air quality, transport, community safety and climate change.
- 3.145. The assessment identifies a predominantly positive health outcome from the development, summarised as follows:
- Housing and design: The scheme would provide a mix of housing types, including accessible and adaptable homes, supporting a range of needs and promoting independent living.
 - Open space and environment: A landscape-led approach would retain and enhance green infrastructure, with over 1 hectare of public open space, supporting recreation and wellbeing.
 - Accessibility and active travel: The site is in a sustainable location and

- includes new pedestrian and cycle links, encouraging walking and cycling and improving connections to local services and the seafront.
 - Air quality and amenity: Construction impacts would be managed through a Construction Management Plan secured by condition.
 - Community safety and cohesion: The layout promotes natural surveillance and integration with the surrounding area, supporting community interaction.
 - Climate change and sustainability: The development incorporates energy-efficient design, renewable energy (including solar panels), sustainable drainage, and biodiversity enhancements.
- 3.146. Neutral impacts are identified in relation to healthcare provision, education, and access to healthy food, with these matters expected to be addressed through existing infrastructure planning and developer contributions.
- 3.147. Overall, the HIA concludes that the proposal would deliver social, environmental and physical health benefits, and is considered to have a positive impact on the health and wellbeing of future residents and the wider community, subject to mitigation secured through planning conditions and obligations.

Statement of Community Involvement

- 3.148. The Statement of Community Involvement sets out how community and stakeholder engagement has informed the proposed development.
- 3.149. The document explains that engagement has taken place through a series of pre application discussions with council officers and statutory consultees, a Design Panel Review, a presentation to Members of the Planning Committee, and public consultation events. In addition, the applicant states that regard has been had to responses received during consultation on the previous planning application for the site.
- 3.150. Pre-application discussions were held with Folkestone and Hythe District Council in July 2025, and officer feedback has influenced amendments to the layout, housing mix, landscape strategy and supporting technical work. The proposals were also reviewed by a design panel in May 2025, with its recommendations informing the evolution of the scheme.
- 3.151. In terms of public engagement a public exhibition was held in July 2025, supported by a local leaflet drop, and residents were given the opportunity to comment on the proposals. Feedback received included support for the redevelopment of the vacant site, and the landscape-led design approach. Concerns were raised relating to traffic impacts, drainage, trees, access, building heights and pressure on local services and infrastructure.
- 3.152. Overall, the applicant states that responses from officers, Members, residents and design specialists have been taken into account and have informed the final scheme submitted for determination.

4. Relevant Planning History

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

Y19/0006/SCR EIA Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Opinion adopted ES not required.

20/0015/FH Erection of 150 dwellings and apartments - Approved. including the provision of 15 on-site affordable units - with associated on-site concierge together with retained and enhanced green infrastructure framework, open space, parking and all associated engineering operations.

4.2. The current application is submitted as an alternative scheme to application 20/0015/FH which was approved in November 2022. This scheme was an apartment led scheme and proposed a total of 150 residential units of which 125 were apartments. Figure 10 below shows the previously approved scheme.



Figure 10: Previously Approved Scheme 20/0015/FH

4.3. Compared to the previously approved scheme, the revised proposals would introduce a broader range of residential typologies, with a stronger emphasis on individual dwellings and a more varied housing mix, whilst maintaining a total of up to 150 units. The revised scheme increases tree retention and reduces the overall built footprint compared to the previously approved

scheme.

Design Review

4.4. The scheme was subject to an early Folkestone and Hythe Place Panel Design Review, which has informed the evolution of the submitted proposals.

4.5. The Panel was broadly supportive of the principle of redevelopment and the landscape-led approach, noting that the site analysis and retention of significant tree cover provided a strong basis for a high quality scheme.

4.6. A number of areas for further consideration were identified:

Landscape and Layout:

The Panel supported the landscape-led approach but recommended stronger connections between green corridors, a less suburban layout, and a more informal and integrated relationship between buildings and landscape.

Movement and Connectivity:

Support was given to new pedestrian routes, particularly the north–south link, but improvements were sought to legibility, accessibility and arrival points, including better integration with Seabrook Road.

Design Approach and Character:

The Panel advised that a clearer overall design vision was needed to unify housing typologies and architectural character, and to avoid an overly suburban appearance. Greater attention to materials, roofscapes and visual cohesion was encouraged.

Community and Housing Mix:

The Panel recommended a more integrated and inclusive layout, avoiding the clustering of tenures, and promoting a stronger sense of community through shared spaces and design.

Ecology and Green Infrastructure:

The importance of retaining trees, enhancing biodiversity and preparing a long-term management strategy was highlighted, including strengthening ecological connectivity across the site.

4.7. Overall, the review concluded that the scheme had the potential to deliver a high quality development, subject to further refinement of layout, design detail, and placemaking. The submitted proposals have since been developed having regard to these comments.

5. Consultation

5.1. Ward Member: No comments have been received from the Ward Members,

Cllr Rich Holgate, Cllr Anita Jones and Cllr Jim Martin.

5.2. The consultation responses are summarised below.

Consultees

Hythe Town Council: Object stating that this is due to concerns relating to the loss of mature trees and habitat, drainage and waste management and density of buildings.

KCC Highways and Transportation: No objection in terms of highway safety, subject to conditions. Comments are summarised as follows:

- Vehicle trips associated with the proposed residential use will represent a reduction in vehicle trips in comparison to the extant educational facility use.
- A connection to PROW HG8 (north of Cliff Road) is outlined to the north of Plots 55/54, which improves permeability and legibility.
- Minor points of highways conflict at Plots 44, 56, 57 and 45/46 were highlighted and the applicant has provided suitable adjustments.
- Fire tender tracking has been submitted to illustrate vehicle manoeuvring through the site and is acceptable.
- Tracking has been illustrated for undercroft parking for a larger estate car. Whilst it is noted that there will be some difficulty in manoeuvrability in the end spaces, as the site is not to be adopted the LHA does not seek further amendments.
- The proposed site access is as existing onto the A259, whereby widening, localised re-grading and vegetation cut back will ensure safe visibility splays. This should be secured by way of a suitable condition.
- Parking complies with local plan requirements. Visitor parking is provided at a slightly over the required provision.
- A signalised pedestrian crossing is proposed east of the site access, which was agreed as part of the previous planning permission. A Stage 1 Road Safety Audit has been submitted, which is agreed. The crossing point directly responds to Point 5 of Policy UA17.

- In line with the previous approval, bus stops closest to the development should be upgraded to include raised border kerbs to enable level access for the mobility impaired, elderly and pushchairs etc. This should be secured by way of a suitable condition.

National Highways: No objection, commenting that the development would not have an unacceptable impact on the safety, reliability and/or operational efficiency of the Strategic Road Network.

KCC Ecology: No objection. Comments are summarised below:

KCC Ecology advise that the Ecological Impact Assessment (EclA) identifies a range of habitats and species on-site, including bats, badgers, reptiles (including slow worm), breeding birds and priority habitats such as lowland deciduous woodland.

KCC Ecology note that not all survey reports referenced within the EclA have been formally submitted alongside the application and advise that further detail (including survey results and mapping) would assist in confirming the distribution of species and the adequacy of mitigation.

They also raise concerns regarding the loss of approximately 1.2 ha of priority woodland and question whether the scheme has fully followed the mitigation hierarchy, in particular whether greater on-site retention and enhancement could be achieved.

In respect of biodiversity net gain (BNG), KCC confirm that the development is subject to the statutory requirement to deliver at least 10% BNG and advise that sufficient information has been submitted to demonstrate that this requirement applies. However, they note that the proposals would result in an on-site biodiversity loss (approximately 33%), equating to a shortfall of approximately 23.84 biodiversity units that would need to be secured through off-site provision.

KCC Ecology raise concerns regarding the deliverability of this off-site provision, particularly given the potential cost of statutory biodiversity credits (estimated to exceed £2 million). They advise that the LPA must be satisfied that the biodiversity gain condition can be discharged, and that any off-site biodiversity provision is secured prior to commencement of development.

KCC Ecology do not object to the application subject to these matters being addressed.

A number of conditions are recommended should planning permission be granted to secure the required detailed ecological mitigation and biodiversity enhancements.

KCC Archaeology: No objections subject to a condition securing archaeological field evaluation works and mitigation.

The comments confirm that Romano-British occupation deposits have been recorded c.80m to the NE of the site and, it is suggested that a medieval chapel may be located c.200m to the west of the development. In addition, the site is situated c.160m to the north of the Royal Military Canal and it is therefore possible that early modern military archaeology may be present on the site.

Groundworks associated with the proposed development may impact on surviving below-ground archaeological remains and a program of archaeological fieldwork is therefore required to identify areas of archaeological survival.

KCC Flood and Water Management (LLFA): No objections stating the following:

The FRA indicates that surface water runoff is currently managed through soakaways and discharged to the combined sewers. The proposed strategy is to discharge into the combined sewers at a maximum rate of 22.1 l/s for the 1 in 100 year event plus 45% climate change allowance. This represents just under a 50% betterment compared to the existing situation.

While the proposed flow rate is reduced compared to the current arrangement, the LLFA notes from the sewer map accompanying Southern Water's consultee response that a surface water sewer is present on Saxon Close, to the south of the development site. It is understood that this sewer ultimately discharges into the Royal Military Canal. In accordance with Standard 1 of the National Standards for SuDS and Part H of the Building Regulations, priority should be given to connecting to the surface water sewer rather than discharging to the combined sewer. Facilitating such a connection would likely require a sewer requisition under Section 98 of the Water Industry Act 1991 with Southern Water. The LLFA requests that the applicant considers this approach in the first instance to ensure that the drainage

hierarchy has been followed and only then can a discharge to the combined sewer be considered.

KCC Developer Contributions: No objection. Requests financial contributions to be secured through a S106 agreement for Secondary Education provision within the District as well as contributions towards the provision of additional special education needs and disabilities (SEND) places and/or additional SEND facilities to serve this development.

Required contributions towards community learning and skills, integrated children's services, libraries, registration and archives services, adult social care and waste would be sought through CIL.

Natural England: No objection, stating the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites.

Environment Agency: No objection subject to a condition to address risk posed to controlled waters.

Sports England: No comments stating that the proposed development falls outside of their statutory remit. Standing advice for LPA's is provided.

Southern Water: Advises that the site does not fall within its statutory water supply area, and therefore Affinity Water are the relevant undertaker for water provision. With regard to wastewater, Southern Water confirms there is sufficient capacity within the local sewerage network to accommodate foul flows from the development.

The following requirements and informatives are highlighted:

- Surface water must not connect to the foul sewer, unless agreed following the drainage hierarchy.
- Any SuDS must be designed in accordance with relevant guidance, with clear arrangements for implementation, adoption and long-term maintenance.
- No soakaways should connect to public sewers.
- A connection application will be required for any new sewer connections.
- Southern Water should be notified in advance of demolition works to protect existing infrastructure.

Overall, Southern Water raises no objection subject to these requirements.

Affinity Water: No objections stating the following:

The site is not located within a groundwater Source Protection Zone (SPZ) or close to Affinity Water abstractions.

The construction works and operation of the proposed development site should be carried out in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site, then the appropriate monitoring and remediation methods will need to be undertaken.

For any works involving excavations below the chalk groundwater table, piling or the implementation of a geothermal open/closed loop system), a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

The development should include water efficient fixtures and fittings.

Active Travel England: No comments referring to standing advice.

Contamination Consultant: No objection subject to imposition of the Council's standard land contamination condition.

Environmental Health Officer: No objection. Advises that electric vehicle charging points should be incorporated into the scheme.

Arboriculture Officer: No objection subject to conditions.

The proposal would result in the loss of some trees, primarily within the northern part of the site, the southern boundary, and areas south of the central woodland block. However, the level of tree loss is significantly reduced compared to the previously approved scheme.

With the exception of the northern area, the majority of development is located outside RPAs of retained trees. The principal constraint relates to the installation of footpaths, where further detail is required on construction methods. An Arboricultural Method Statement (AMS) will be necessary for any works within RPAs.

Given the heavily wooded nature of the site and the importance of tree retention for both biodiversity and landscape character, ongoing involvement of the project arboriculturist throughout construction will be essential.

Concerns are raised regarding the lack of detail on service installation, as inappropriate routing or methods could result in root damage. In addition, a clearly defined construction access strategy is required, including suitable tree protection measures. Standard fencing and ground protection may not be sufficient in all areas, and measures should be designed to avoid damage from construction traffic and plant movement.

Kent Police: No objections. Provides advice in relation to designing out crime.

Kent Fire and Rescue: No objection is raised to the proposal in principle, subject to detailed design considerations. Advises that the development will need to comply with Building Regulations (Part B5), with fire service access arrangements subject to further review through the Building Control process.

Public/Neighbour Consultation

- 5.3. 315 neighbours directly consulted. 11 letters of objection, 0 letters of support received and 0 letters neither supporting nor objecting to the application.
- 5.4. I have read all of the letters received. The key issues are summarised below:

Objections

- Potential increase in surface water runoff and associated flooding.
- Impact on existing sewerage infrastructure.
- Impact on land stability.
- Loss of privacy/security.
- Loss of trees and potential future pressure on trees.
- Overdevelopment of the site.
- Flats would be out of scale with neighbouring development.
- Impact of local services.
- Traffic and highway safety concerns.
- The pedestrian crossing on Seabrook Road should be secured.
- Lack of affordable housing.
- Design concerns.
- Light pollution.

- Concerns related to parking of construction traffic that should be provided on-site.
 - Non-residential areas/woodlands areas would need to be subject to long term maintenance and management.
- 5.5. Responses are available in full on the planning file on the Council's website:

[Planning Register](#)

6. Planning Policy

- 6.1. The Development Plan comprises the Core Strategy Review (2022), the Places and Policies Local Plan (2020), the St Mary in the Marsh Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016).
- 6.2. The relevant development plan policies are as follows:

Places and Policies Local Plan 2020

UA17 - Foxwood School

Foxwood School is allocated for a landscape-led residential development with an estimated capacity of approximately 150 dwellings.

Development proposals will be supported where:

1. The design is genuinely landscape-led to take account of the environmental and topographical features of the site and to ensure important long and short distance views are maintained and the playing pitches are retained and enhanced as part of the landscape scheme;
2. The character and setting of the Kent Downs Area of Outstanding Natural Beauty, the Seabrook Road area and the Royal Military Canal Local Wildlife Site are preserved;
3. The scale, design and layout of any new buildings preserve or enhance the character and setting of nearby heritage assets including the Grade II Listed Building, The Black Cottage, and Scheduled Monument, the Royal Military Canal;
4. Access is derived from Seabrook Road with no vehicular access from Cliff Road;
5. Appropriate and proportionate contributions are made towards the provision of a controlled crossing on Seabrook Road to improve access to Princes Parade and the seafront;

6. The public highway known as College Bridge that links the A259 with the Royal Military Canal is upgraded to the satisfaction of the Local Highways Authority;
7. There is on-site provision of play space to meet the needs of the development for which a management company or other solution should also be established for its long term maintenance;
8. Ecological and arboricultural investigations are undertaken, and adequate mitigation and enhancement measures are incorporated into the design of the Foxwood School development to minimise effects on the local Biodiversity Action Plan Priority Habitat;
9. A connection from the site is provided to the local sewerage system at the nearest point of adequate capacity, in collaboration with the service provider;
10. The archaeological potential of the land is properly considered, and appropriate archaeological mitigation measures are put in place;
11. An appropriate mix of housing and/or apartments is provided that respects the constraints of the site; and
12. At least 6-8 self-build or custom build plots are provided on-site in accordance with Policy HB4.

HB1 -	General Criteria
HB2 -	Cohesive Design
HB3 -	Space Standards
HB4 -	Self-build and Custom Housebuilding Development
HB8 -	Alterations and Extensions to Buildings
C1 -	Creating a Sense of Place
C3 -	Provision of Open Space
C4 -	Children's Play Space
T1 -	Street Hierarchy and Site Layout
T2 -	Parking Standards
T3 -	Residential Garages
T5 -	Cycle Parking
NE1 -	Enhancing and Managing Access to the Natural Environment
NE2 -	Biodiversity
NE3 -	Protected Landscapes and Countryside
NE5 -	Light Pollution and External Illumination
NE7 -	Contaminated Land
CC1 -	Reducing Carbon Emissions
CC2 -	Sustainable Design and Construction
CC3 -	SUDS
HW2 -	Improving the Health and Wellbeing of the Local Population and Reducing Health Inequalities.
HW3 -	Development That Supports Healthy, Fulfilling and Active Lifestyles

HW4 - Promoting Active Travel
HE2 - Archaeology

Core Strategy Review 2022

SS1 - District Spatial Strategy
SS2 - Housing and Economy
SS3 - Place-shaping and Sustainable Settlements
SS5 - District Infrastructure Planning
CSD1 - Balanced Neighbourhoods
CSD2 - District Residential Needs
CSD4 - Green Infrastructure, Open Space, and Recreation
CSD5 - Water and Coastal Environmental Management

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

Supplementary Planning Guidance/Documents

Kent Design Guide

Section 1 - The value of good design
Section 2 – Creating the design
Supplementary Guidance - Residential Parking

Government Advice

National Planning Policy Framework (NPPF) 2024

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

The following sections of the NPPF are relevant to this application:

Chapter 2 – Achieving sustainable development
Chapter 4 – Decision-making
Chapter 5 – Delivering a sufficient supply of homes
Chapter 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 10 - Supporting High Quality Communications
Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places
Chapter 14 – Climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment

Planning Policy Guidance (PPG)

Technical Housing Standards – Nationally Described Space Standards

7. Appraisal

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

- a) Whether the principle of development is acceptable?
- b) Whether the layout and architectural response are acceptable?
- c) Whether the impact on trees and landscape character is acceptable?
- d) Whether the development would harm residential amenity?
- e) Whether the proposals result in harm to highway safety?
- f) Whether the approach to flood risk, surface water and drainage is acceptable?
- g) Whether the approach to archaeology and heritage is acceptable?
- h) Whether the approach to contamination and land stability are acceptable?
- i) Whether the approach to biodiversity net gain and ecology are acceptable?
- j) Whether the approach to affordable housing and viability is acceptable?
- k) Whether planning obligations are necessary?

a) Whether the principle of development is acceptable?

7.2. Central Government guidance set out within the NPPF states that Local Planning Authorities (LPA) should support the Government's objective to significantly boost the supply of homes and that housing applications should be considered in the context of the presumption in favour of sustainable development.

7.3. Policy SS1 of the Core Strategy (CS) seeks to direct development to existing settlements. Hythe is identified within the settlement hierarchy as a strategic town which is classed as an existing important location and a well-served settlement that is able to accommodate significant development.

7.4. The site is allocated for a landscape-led residential development with an estimated capacity of approximately 150 dwellings in the Places and Policies Local Plan (PPLP), subject to a number of criteria, by virtue of Policy UA17. The site is located within the settlement boundary of Hythe. The proposed development would comprise the erection of up to 150 dwellings on a previously developed brownfield site including a mixture of houses and

apartments.

- 7.5. The application site is located within the settlement boundary Hythe, a strategic town identified by Policy SS1 as an appropriate location for growth and is within convenient walking distance of Hythe town centre, located approximately 1km from the High Street via Seabrook Road. This route benefits from footways on both sides and street lighting along its length. Hythe functions as a moderately sized urban centre offering a wide range of services and facilities, including schools, shops, restaurants, public houses, play areas and professional services. In addition, a bus stop is located immediately adjacent to the site entrance, providing regular public transport services to Folkestone and surrounding areas.
- 7.6. Policy UA17 sets out a series of criteria relating to design, landscape, heritage, access, infrastructure, ecology, drainage and housing mix, which are considered in detail in the relevant sections of this report.
- 7.7. The proposed development seeks to deliver up to 150 dwellings on the site, consistent with the scale of development envisaged by Policy UA17. As such, the proposal represents an efficient use of an allocated site and would contribute meaningfully towards the Council's housing land supply.
- 7.8. Having regard to its allocated status, location within the settlement boundary, and accessibility to services, the principle of residential development on the site is acceptable. Subject to compliance with the detailed criteria of Policy UA17 and other relevant policies of the Development Plan, the proposal accords with the spatial strategy set out in Policy SS1 and the provisions of the NPPF in relation to the delivery of sustainable development.

b) Whether the layout and architectural response are acceptable?

- 7.9. Achieving high quality design is a key objective of the planning system, requiring development to create places that are functional, attractive, adaptable and responsive to their context. Policy UA17 requires a landscaped approach to development on this site, ensuring that the environmental and topographical characteristics are respected, important views are maintained, and the setting of the Kent Downs National Landscape (KDNL), Seabrook Road and the Royal Military Canal Local Wildlife Site is preserved.
- 7.10. Policies HB1 and HB2 of the PPLP further seek to secure high quality, cohesive design, requiring development to respond positively to its context, integrate green infrastructure, safeguard amenity, promote movement and legibility, and utilise materials that are sympathetic to local character. These objectives are consistent with the NPPF, which places significant weight on achieving well designed places and states that poorly designed development should be refused.
- 7.11. The proposed development would provide a mix of 2, 3, 4 and 5-bedroom houses and apartments, offering a range of accommodation types suitable to

- meet local needs. The proposed density is also considered to comply with the requirements of Policy UA17.
- 7.12. The layout has been informed by the site's context, including its landscape setting, topography, existing features and surrounding development. It would incorporate areas of public open space and play provision, together with pedestrian connectivity to the wider area, including links to the public rights of way network to the north and Seabrook Road to the south. Officers have worked proactively with the applicant throughout the application process to improve the layout and design quality, resulting in a more coherent and legible scheme with clearly defined character areas.
- 7.13. The scheme adopts a landscape-led approach, with built form directed towards the existing plateau areas and previously developed parts of the site, while more sensitive areas, including steep slopes and established woodland, would be largely retained as part of the wider green infrastructure network. As such, the development would respond appropriately to the site's physical constraints and would reinforce its landscape character.
- 7.14. The architectural approach would provide a coherent yet varied form of development, structured around a series of distinct character areas that reflect the differing landscape conditions across the site. A consistent design language would be maintained through a coordinated palette of materials and detailing, ensuring a unified overall appearance whilst avoiding undue uniformity.
- 7.15. The development would draw upon elements of the local vernacular, including pitched roofs and brickwork, alongside more contemporary features such as vertical cladding, generous glazing and integrated balconies. The proposed materials, including buff brick, natural coloured stone cladding, metal cladding and green roof elements, are appropriate in relation to the site's coastal and wooded context and would assist in integrating the development into its surroundings.
- 7.16. The scale and massing of development is considered appropriate. The majority of dwellings within the detailed element of the application would be two storeys in height, reflecting the prevailing character of the surrounding residential area. The apartment building would be located within the central part of the site, and its visual impact would be mitigated through design measures including its partial integration with the site's topography, the use of undercroft parking and stepped upper floors. As a result, it would not appear unduly prominent within the wider development or surrounding landscape.
- 7.17. In relation to the outline element of the application, the submitted parameter plans establish clear controls over the extent, layout and scale of future development. These confirm that built form would be set back from site boundaries with appropriate minimum landscape buffers, and that building heights would respond to the site's topography, ranging from two storeys in

- the southern part of the site up to a maximum of four to five storeys in the northern parts of the outline area. Whilst the detailed design is reserved for future consideration, these parameters provide sufficient certainty to ensure that the scale and form of development can be accommodated appropriately within the site without resulting in unacceptable impacts on landscape character, visual amenity or the surrounding area. It is also important to note that these parameters are in accordance with the scale and layout of previously approved scheme.
- 7.18. A key change over the previously approved scheme is the reduction in the overall built footprint and intensity of development. The earlier consent included a greater proportion of apartment blocks, resulting in larger building masses and a more urban character. In contrast, the current proposal places a greater emphasis on houses, resulting in a more domestic form of development that reflects the surrounding residential context.
- 7.19. The proposed layout would enable the retention of a significant proportion of existing trees and woodland compared to the previously approved scheme, with development arranged to sit within and around these features. This approach would help to soften the visual impact of the development, would reinforce the site's verdant character and would ensure that views of built form are appropriately filtered particularly from longer range views.
- 7.20. The detailed design of the dwellings reflects good design principles in relation to layout, orientation and the amenity of future occupiers. Properties would benefit from good levels of natural light, private amenity space and functional internal layouts, while the arrangement of development would support natural surveillance of streets and open spaces, contributing positively to the overall quality and safety of the environment.
- 7.21. The scheme has also been amended to reduce the visual impact of vehicles within the public realm. The use of undercroft parking, integral car ports and integrated landscaping would reduce the prominence of cars, resulting in a more attractive and pedestrian friendly streetscene.
- 7.22. The development would incorporate a comprehensive and well-integrated network of public open space, which would exceed minimum policy requirements. This would include a centrally located area of formal play provision, alongside a wider network of informal recreational spaces distributed throughout the site. The open space forms a fundamental component of the layout, with retained woodland, additional planting, green corridors and ecological buffers proposed to create a series of interconnected spaces that would support both recreation and biodiversity.
- 7.23. Play provision would be delivered through a designated Local Area for Play (LAP), supplemented by informal "play along the way" opportunities integrated within the wider landscape, such as woodland trails and natural play features. These spaces would be well located, accessible and overlooked, ensuring they would be safe, usable and embedded within the

everyday movement through the site.

- 7.24. Whilst it is noted that Policy UA17 requires the existing playing pitches to be retained as part of the landscape scheme, in functional terms, the playing fields at Foxwood have already been replaced at The Beacon school. Locating buildings on the flat surfaces of the playing pitches would result in less intrusive ground works and furthermore given that the development would provide high quality public open space in excess of policy requirements, I consider the loss of the playing pitches to be appropriately mitigated within the scheme. Sport England have raised no objections in this respect.
- 7.25. Overall, the design, layout and architectural approach is considered to be of well-considered and appropriately responsive to the site and its context and is therefore considered to be acceptable.

c) Whether the impact on trees and landscape character is acceptable?

- 7.26. The application site is characterised by an established and heavily treed landscape, which makes a positive contribution to the visual character of the area and forms part of the wider wooded escarpment along the coast. The retention and protection of these landscape features is therefore a key consideration in assessing the acceptability of the proposals.
- 7.27. The application is supported by a Landscape Visual Impact Assessment (LVIA), which considers the likely effects of the development on landscape character and visual amenity. The LVIA concludes that effects on the wider landscape, including the Kent Downs National Landscape (KDNL), would be limited, with any adverse impacts largely confined to the site and its immediate surroundings and reducing over time as planting matures. I agree with these conclusions, as the assessment reflects the site's contained nature, the significant level of tree retention proposed, and the mitigation provided through landscape design.
- 7.28. When viewed from the south, the KDNL is largely screened by the wooded coastal escarpment within which the site sits, forming a backdrop to inland views from the coast. Conversely, in views looking south from within the KDNL, the site is screened by the falling topography and intervening woodland. As such, the site makes very limited contribution to the wider landscape setting or key characteristics of the KDNL, which would remain unaffected by the proposed development.
- 7.29. In terms of visual impact, particular regard has been given to views from sensitive and publicly accessible receptors, including the Royal Military Canal and Princes Parade. The LVIA identifies that, whilst the development may be perceptible in some views, these would be filtered and softened by retained woodland, intervening vegetation and the site's topography. From Princes Parade and the canal corridor, the site is experienced within the context of the wooded escarpment, which limits the extent to which built form would be

visible or prominent. The reduction in building massing and increased retention of trees compared to the previously approved scheme would further assist in reducing visual effects. Over time, as the proposed planting becomes established, the development would become increasingly assimilated into the landscape. Overall, the impact on views from these locations is considered to be localised and not significant.

- 7.30. Whilst the development would result in the loss of some trees, including areas to the northern part of the site, the southern boundary and adjacent to parts of the central woodland, the extent of this loss has been reduced compared to the previously approved scheme. The level of tree removal is therefore considered to be limited and justified in the context of delivering the allocated site for development.
- 7.31. Importantly, the scheme would retain a significant proportion of existing tree cover, including key woodland areas and mature specimens which contribute most strongly to the site's character. The retention of these features, alongside proposed new planting, would ensure the continuation of a strong landscape framework across the site, reinforcing its verdant character and assisting in integrating the development into the wider landscape.
- 7.32. The layout has been designed such that the majority of built development would be located outside of Root Protection Areas (RPA), thereby minimising potential harm to retained trees. Where works within RPAs are required, these can be appropriately controlled through an Arboricultural Method Statement and suitable tree protection measures secured by condition. Subject to these safeguards, the potential for harm during construction is considered acceptable.
- 7.33. Overall, whilst there would be some localised tree loss, this would be outweighed by the substantial retention of existing landscape features, the introduction of new planting and the landscape-led design approach. Having regard to the findings of the LVIA, and subject to appropriate planning conditions, the development is considered to result in an acceptable impact on trees and landscape character.

d) Whether the development would harm residential amenity?

- 7.34. The site lies within a built up residential area, with neighbouring properties along all site boundaries. The proposed layout would respond to this context by maintaining appropriate separation distances and incorporating landscaping along the site edges, which would assist in minimising opportunities for overlooking and preserving levels of privacy between existing and proposed dwellings.
- 7.35. The development would follow the natural topography of the site, stepping down from north to south. The proposed dwellings would be set at a lower level than the Cliff Road properties and would be oriented to face south. As a result, the development would not give rise to unacceptable overlooking or

- loss of privacy, nor would it result in an overbearing impact. Whilst not a material planning consideration, it is also noted that the outlook currently enjoyed by Cliff Road residents would not be obstructed.
- 7.36. In terms of scale, the majority of dwellings would be limited to two storeys, reflecting the prevailing residential character of the area. The apartment building would be no more than five storeys in height, with the lower level partly set into the hillside as undercroft parking and would be located centrally within the site away from its boundaries. This siting, combined with its design and relationship with the topography, ensures that it would not result in an unacceptable impact on neighbouring dwellings.
- 7.37. In relation to the outline element, the submitted parameter plans establish clear controls over building height, scale and siting, with development stepping from lower heights in the southern part of the site to a maximum of four to five storeys in the northern areas. These parameters provide sufficient certainty to ensure that future development can be accommodated without giving rise to unacceptable impacts on neighbouring amenity.
- 7.38. The layout demonstrates that appropriate separation distances would be maintained between proposed and existing dwellings, supported by the orientation of buildings, changes in level and the provision of landscape buffers. Together, these measures would ensure that there would be no material overlooking, loss of privacy or harmful impact on outlook. The retention of existing woodland and the introduction of additional planting would further reinforce this separation and soften views of built form.
- 7.39. The proposed residential use is compatible with the surrounding area and would not give rise to unacceptable levels of noise or disturbance. Construction related impacts would be temporary and can be appropriately managed through planning conditions.
- 7.40. Future occupiers would benefit from a good standard of internal and external amenity. All dwellings would meet or exceed the Nationally Described Space Standards. All apartments would be provided with private balconies, and all houses would benefit from private rear gardens ranging between approximately 6.7 and 13 metres in depth. Whilst this does not meet the 10 metre guideline set out in Policy HB3 in all cases, any shortfall is offset by the provision of balconies or terraces and access to extensive areas of public open space within and around the site. Taking these factors into account, the level of amenity provision is considered acceptable in this context.
- 7.41. Overall, the proposal would provide a high quality living environment for future occupiers and would not result in unacceptable harm to the amenity of neighbouring residents. The development is therefore considered to comply with the objectives of Policies HB1, HB3 and HB8, as well as the design and amenity principles of the NPPF.

e) **Whether the proposals result in harm to highway safety?**

- 7.42. KCC Highways and Transportation raise no objections in relation to matters of highway safety subject to the imposition of conditions.
- 7.43. Policy UA17 requires that vehicular access is taken from Seabrook Road, with no access from Cliff Road. The application site would be accessed via the existing vehicular access from Seabrook Road, which would be retained and utilised as the primary means of access. The principle of access from this location has previously been accepted under the earlier planning permission, and there are no material changes proposed that would alter its suitability. The access arrangements are therefore considered to provide a safe and appropriate point of entry for the proposed development.
- 7.44. The submitted Transport Assessment demonstrates that the site is located in a sustainable location, with good access to local services, public transport and the wider road network. Bus stops are located in close proximity to the site entrance on Seabrook Road, providing regular services, and there are established footways along the frontage which facilitate pedestrian connectivity. In addition, the scheme would introduce a new pedestrian link to Cliff Road to the north, improving permeability and encouraging walking and cycling.
- 7.45. In terms of traffic generation, it is acknowledged that the proposed residential development would generate vehicle movements associated with its day-to-day occupation. However, the Transport Assessment demonstrates that, when compared to the site's former use as a school, the proposed development would result in a reduction in peak hour traffic movements, reflecting the more intensive and concentrated trip patterns associated with school drop-off and pick-up periods. On this basis, the impact of the development on the highway network is considered to be acceptable and represents an improvement over the site's previous use.
- 7.46. The assessment further demonstrates that the local highway network, including Seabrook Road, would be capable of accommodating the expected level of traffic without resulting in a severe impact, in accordance with the NPPF.
- 7.47. The internal layout has been designed having regard to the site's topography and existing landscape features, with roads following the natural plateaus of the site. The layout would provide suitable access for all users, including emergency and service vehicles, with appropriate turning facilities and road widths. Traffic calming measures, including raised tables and changes in surface treatment, are proposed within the site to manage vehicle speeds and promote a pedestrian friendly environment.
- 7.48. The development would provide an appropriate level of car parking, including a mix of on-plot, undercroft and visitor parking spaces, in accordance with adopted parking standards. Secure cycle parking would also be provided for

all dwellings, including dedicated facilities for apartment units, which would support sustainable travel choices.

- 7.49. In terms of highway safety, there is no evidence to suggest that the development would give rise to unacceptable risks to users of the highway. The proposed access arrangements, visibility, internal road layout and parking provision are all considered to be acceptable, and the development would not result in conditions that would be detrimental to highway safety. Any minor impacts can be appropriately mitigated through the imposition of planning conditions and as is necessary in this case, an obligation secured through a Section 106 agreement, to secure improvements to pedestrian crossing facilities on Seabrook Road as well as improvements to the two bus stops closest to the entrance. There is also a requirement in policy UA17 to upgrade the public highway known as College Bridge that links the A259 with the Royal Military Canal; however this is not public highway and is therefore outside the control of Kent Highways. It is considered that it would be an unreasonable request for the applicant to upgrade it when it is neither in their control, nor within the control of a public agency. This approach is consistent with the Council's position on the previously approved scheme and has been accepted by Kent County Council Highways.
- 7.50. Overall, the proposed development would provide safe and suitable access for all users, and the residual cumulative impacts on the highway network would not be severe. The proposal is therefore considered to comply with the relevant provisions of the NPPF and local plan policies relating to transport and highway safety.

f) Whether the approach to flood risk, surface water and drainage is acceptable?

- 7.51. The NPPF seeks to ensure that development is directed to areas of lowest flood risk and requires that inappropriate development in areas at risk of flooding is avoided. Policy CC3 of the CS supports the use of SuDS to manage surface water runoff in a way that reduces flood risk, improves water quality and delivers wider environmental and amenity benefits.
- 7.52. The application site is located within Flood Zone 1, which has the lowest probability of flooding. The principle of residential development in this location is therefore acceptable in flood risk terms.
- 7.53. The application is supported by a Flood Risk Assessment and Surface Water Management Strategy, which concludes that the overall risk of flooding to the site is low and that the development would not increase flood risk elsewhere.
- 7.54. In respect of surface water, the scheme would adopt a SuDS led drainage strategy that seeks to manage runoff at source and mimic natural drainage processes. This includes a range of measures such as permeable surfacing, rain gardens, swales, green roofs, attenuation features and below ground storage. These features would slow runoff, provide on-site storage and

- ensure controlled discharge.
- 7.55. The drainage strategy has been designed to ensure that surface water discharge rates are significantly reduced compared to the existing situation, with flows restricted to a controlled rate before discharge to the network. This represents a clear betterment over the current arrangements and ensures that the development would not increase runoff rates or exacerbate flood risk.
- 7.56. Residents have raised concerns regarding the capacity of the local sewerage network. In this regard, Southern Water have been consulted and raise no objection, confirming that there is sufficient capacity within the existing network to accommodate the proposed foul flows. They also advise that surface water should not be discharged to the foul sewer unless it has been demonstrated that alternative options are not feasible, in accordance with the drainage hierarchy.
- 7.57. The proposed drainage strategy reflects this hierarchy, prioritising on-site attenuation and sustainable drainage measures, with discharge to the public sewer appropriately controlled. As such, the development would not place unacceptable pressure on the existing sewerage infrastructure.
- 7.58. KCC as Local Lead Flood Authority was consulted on the application, and they are satisfied that the methods proposed for dealing with surface water do not increase the risk of flooding. In addition, the Environment Agency raise no objections to the application subject to the imposition of conditions relating to groundwater protection.
- 7.59. Subject to conditions securing the detailed design, implementation and long-term maintenance of the drainage system, the proposal would not increase flood risk on-site or elsewhere and would provide a sustainable approach to surface water management.
- 7.60. Overall, the approach to flood risk, drainage and sewerage infrastructure is considered to be acceptable and compliant with the requirements of the NPPF and Policy CC3.

g) Whether the approach to archaeology and heritage is acceptable?

- 7.61. Section 16 of the NPPF requires LPA's to identify and assess the significance of heritage assets affected by a proposal, including any contribution made by their setting, and to ensure that this significance is conserved in a manner appropriate to its importance.
- 7.62. The application site does not contain any designated heritage assets and is not located within a conservation area. However, designated heritage assets within the wider vicinity include the Royal Military Canal (Scheduled Monument) to the south and Black Cottage (Grade II listed) to the west of the site access.
- 7.63. The significance of these assets is derived from their historic and architectural

interest, and in part their relationship with their surrounding landscape. The application site comprises a previously developed former school site, enclosed by existing residential development and mature vegetation, which limits intervisibility and reduces any direct relationship with these heritage assets.

- 7.64. The proposed development has been assessed having regard to this context. The layout adopts a landscape-led approach, retaining substantial tree cover and incorporating additional planting, which would serve to contain and filter views of the development. Built form would be read within the context of surrounding residential development and would not compete with or encroach upon the defining characteristics of nearby heritage assets. Furthermore, given the long term landscape management of the site and the high quality of the proposed development, their setting is likely to be enhanced.
- 7.65. Taking these factors into account, it is considered that the proposal would result in no harm to the significance of designated heritage assets, including through changes to their setting. The proposal therefore accords with the requirements of the NPPF and Policy HE1 of the PPLP in this respect.
- 7.66. In relation to archaeology, the application is supported by a Desk-Based Assessment which identifies the site as having generally low archaeological potential due to previous disturbance. However, the County Archaeologist has advised that there remains potential for archaeological remains to be present within the site and has requested that appropriate conditions be imposed to secure further investigation and recording.
- 7.67. Having regard to this advice, it is considered that any potential impact on non-designated archaeological remains can be appropriately mitigated through a programme of archaeological work secured by condition, in accordance with Policy HE2 of the PPLP and the NPPF.
- 7.68. Overall, subject to the imposition of conditions securing archaeological investigation and recording, the proposal would preserve the significance of heritage assets and appropriately manage archaeological potential and is therefore considered to be acceptable in heritage terms.

h) Whether the approach to contamination and land stability are acceptable?

- 7.69. The site presents a moderate risk of contamination, reflecting its former developed use and the presence of potential sources including made ground, infilled quarry, and possible residues associated with previous uses of the land. Whilst there is potential for contamination to be present, the risks to human health and controlled waters can be appropriately managed through standard mitigation measures. These include further site investigation, risk assessment, and, where necessary, remediation works to ensure the site is suitable for its proposed end residential use.

- 7.70. The Council's Environmental Health Officer and Geotechnical consultant raise no objection to the development on contamination grounds subject to conditions. It is therefore considered appropriate to secure a phased contamination condition, requiring further intrusive investigation, submission of a remediation strategy, verification of remediation works, and measures to address any unexpected contamination encountered during construction.
- 7.71. Subject to these safeguards, it is considered that any risks arising from land contamination can be satisfactorily mitigated, and the development would provide a safe environment for future occupiers in accordance with the NPPF.
- 7.72. The site lies within an area identified as being prone to land instability. National planning guidance requires that development in such areas demonstrates that it can be safely delivered and will not increase risks to property, infrastructure or the wider area. Policy NE6 similarly requires clear evidence that the site can be safely developed and that proposals will not adversely affect the wider slip area.
- 7.73. The application is supported by a Ground Conditions and Stability Report, which draws on detailed investigations and slope modelling. This confirms that the existing slopes are generally stable, with acceptable factors of safety, and that the proposed development would not adversely affect this.
- 7.74. A range of mitigation measures are proposed, including appropriate foundation design, retaining structures where necessary, minimising excavation, and careful surface water management. Further investigation and monitoring would inform detailed design at later stages.
- 7.75. Subject to these measures, which can be secured by condition, the site is considered suitable for development, and the proposal complies with Policy NE6 and the NPPF.
- i) Whether the approach to biodiversity net gain and ecology are acceptable?**
- 7.76. The application is supported by ecological assessments which confirm that the site comprises a mix of habitats including woodland, scrub and grassland, supporting a range of protected and notable species. These include bats (including a confirmed feeding perch), badgers, reptiles (including slow worm), breeding birds and other fauna.
- 7.77. The submitted Ecological Impact Assessment (EclA) identifies that the development would result in the loss of habitats, including a proportion of lowland deciduous woodland, which is a Habitat of Principal Importance. The proposed development would result in the loss of approximately 1.2 ha of woodland from a baseline of approximately 2.6ha across the site. This represents a material loss which has been considered in the assessment of the scheme.

- 7.78. KCC Ecology have reviewed the submitted information and raise no objection to the development in principle. The EclA draws on survey work previously undertaken in support of the earlier application for the site, with the relevant findings incorporated into the current assessment. Although not all of the original survey reports have been re-submitted, the information before the LPA is sufficient to establish the key ecological receptors and to provide an appropriate and proportionate basis for assessing the likely impacts of the development. There is no substantive dispute regarding either the ecological baseline or the presence of protected species.
- 7.79. The development has been informed by this evidence and adopts a landscape-led approach which seeks to retain and integrate a significant proportion of the existing woodland and green infrastructure, alongside the provision of ecological buffers, new planting and habitat enhancement measures. A package of mitigation is proposed, including sensitive vegetation clearance, retention of key habitats, protection of badger setts, the provision of bat boxes, timing of works to avoid impacts on nesting birds, and the creation and long-term management of new habitats.
- 7.80. Having regard to the ecological evidence, it is considered that any remaining detail in respect of mitigation and species specific protection can be appropriately secured through planning conditions. These would ensure that any updated ecological information, method statements and mitigation measures are submitted and approved prior to the commencement of development. KCC Ecology have suggested appropriate conditions wording to be attached to any grant of planning permission.
- 7.81. In respect of biodiversity net gain (BNG), the development is required to deliver a minimum 10% net gain under the Environment Act 2021, to be secured through a Biodiversity Gain Plan. The submitted assessment identifies an on-site deficit, with a predicted net loss of approximately 18.32 habitat units (33.18%), meaning that off-site biodiversity units will be required (approximately 23.84 units). KCC Ecology are satisfied that mandatory BNG applies but have raised concerns regarding the cost and deliverability of off-site provision, including the potential reliance on statutory biodiversity credits. This is a material consideration, and the Local Planning Authority must be satisfied that the biodiversity gain condition can ultimately be discharged.
- 7.82. In this case, the applicant is aware of the potential costs associated with off-site BNG provision and has factored these into the overall viability position of the development (notwithstanding this, the statutory requirement to deliver biodiversity net gain is non-negotiable and must be achieved in full, irrespective of viability considerations). It is also relevant that, as a hybrid application, the detailed layout and design of the outline element are not fixed at this stage. This provides scope for the scheme to evolve through reserved matters, which may allow for greater habitat retention, enhanced on-site provision and a reduction in the overall biodiversity deficit, thereby reducing reliance on off-site measures.

7.83. Notwithstanding that flexibility, the statutory requirement to deliver at least 10% BNG must be met before development can commence. This would be secured through the biodiversity gain condition, requiring the submission and approval of a Biodiversity Gain Plan, and through a Section 106 legal agreement, which will secure any necessary off-site biodiversity units together with the long term management of on-site and off-site habitats via a Habitat Management and Monitoring Plan. Subject to these safeguards, it is considered that the statutory BNG requirement can be met and that, while the scheme would result in habitat loss including priority woodland, the ecological impacts are capable of being appropriately mitigated and secured through conditions and legal obligations. On balance, the proposal is therefore considered acceptable in ecological terms and compliant with the NPPF and Policy NE2.

j) Whether the approach to affordable housing and viability is acceptable?

7.84. Policy CSD1 of the Core Strategy requires the provision of 22% affordable housing on qualifying residential developments. For a development of up to 150 dwellings, this equates to a requirement for approximately 33 affordable units. The policy makes clear, however, that this requirement is subject to viability and should be delivered where it is demonstrated to be practicable.

7.85. In accordance with national policy and guidance, the application is supported by a Financial Viability Assessment (FVA). The purpose of the FVA is to assess whether the proposed development can support policy-compliant obligations, including the provision of affordable housing, having regard to the costs of development, site-specific constraints and anticipated development values.

7.86. The redevelopment of the site is associated with a number of significant abnormal costs. These include demolition of existing structures, site remediation, ground condition mitigation, infrastructure provision, and the delivery of a landscape-led scheme reflecting the site's topography and environmental constraints. As demonstrated by the applicant's FVA and our independent assessment, these costs are materially higher than those associated with more straightforward greenfield development and form a key component of the viability assessment.

7.87. In addition to construction and abnormal costs, the development is required to deliver a range of policy and statutory obligations. These include financial contributions towards secondary education and SEND provision, highway infrastructure works including a controlled crossing and bus stop improvements, Community Infrastructure Levy (CIL) payments, and the delivery of mandatory biodiversity net gain, including off-site provision where required. These obligations place a further cost burden on the scheme and are relevant considerations in assessing viability.

- 7.88. The applicant's FVA concludes that, when taking account of all costs and policy requirements, the development generates insufficient value to support the delivery of policy-compliant affordable housing. In this respect, the applicant contends that the scheme is currently unviable if full policy requirements are applied.
- 7.89. The submitted viability evidence has been subject to detailed independent review on behalf of the Council by Bespoke Property Consultants, with additional input in respect of construction costs (see Appendix 2 to this report). This review has interrogated the applicant's assumptions, including build costs, abnormal costs, sales values, developer return and benchmark land value.
- 7.90. Following this process, and having regard to the agreed inputs, the Council's independent consultants conclude that the development is unable to support the provision of affordable housing at the present time. Officers are satisfied that the appraisal has been undertaken in accordance with national guidance and that the conclusions reached are robust. This position is therefore accepted.
- 7.91. Notwithstanding this conclusion, the viability position of the scheme is considered to be finely balanced and sensitive to changes in key variables. The appraisal demonstrates that relatively modest changes in sales values, build costs or market conditions could materially improve viability and enable a contribution towards affordable housing to be secured.
- 7.92. The development is proposed to be delivered in phases, with later phases coming forward following approval of reserved matters. Given the likely timescale for delivery, there is a reasonable prospect that market conditions may change over time, such that the viability position at the point of implementation may differ from that assessed at the application stage.
- 7.93. National Planning Practice Guidance supports the use of viability review mechanisms in circumstances where schemes are unable to meet policy requirements at the outset, particularly where development is phased or where viability is uncertain, and appeal decisions support such an approach even where the Council does not have an associated policy – with Inspectors highlighting that pragmatism should be adopted by all parties. Such mechanisms enable planning authorities to capture improvements in viability over time and secure additional contributions where appropriate.
- 7.94. In this case, it is considered appropriate to secure a viability review (clawback) mechanism through the Section 106 agreement. This represents a proportionate and policy compliant approach which allows the development to proceed while ensuring that any future uplift in viability can be captured.
- 7.95. The agreed mechanism would require the submission of updated viability appraisals at defined stages of the development. This would include an early-stage review, triggered prior to or alongside the submission of reserved

- matters for later phases, and a late-stage review undertaken towards completion of the development.
- 7.96. These reviews would assess actual development performance by comparing realised costs and achieved sales values against those assumed within the agreed baseline appraisal. This provides a robust basis for determining whether any surplus has arisen.
- 7.97. Where a surplus is identified above the agreed developer return, a proportion of that surplus would be secured by the Council as a deferred contribution towards affordable housing. This may be delivered either through on-site provision, where feasible, or through a commuted sum, up to an equivalent policy compliant level.
- 7.98. This approach ensures that the development can proceed in current market conditions, whilst safeguarding the Council's ability to secure a level of affordable housing should viability improve over time. It is consistent with Policy CSD1 and national guidance, which seek to maximise the delivery of affordable housing where viable.
- 7.99. It is acknowledged that the scheme does not provide affordable housing at the outset and therefore conflicts with Policy CSD1. However, this conflict has been robustly justified through independently reviewed viability evidence, which demonstrates that the scheme cannot viably support such provision at this time.
- 7.100. In considering this conflict, it is also material that the site is allocated for residential development, is located within a sustainable location within the settlement boundary and would deliver up to 150 dwellings together with associated infrastructure, environmental enhancements and economic benefits. The development would therefore make a meaningful contribution to housing supply.
- 7.101. On balance, it is considered that the benefits of the development, together with the safeguards secured through the viability review mechanism, outweigh the identified conflict with affordable housing policy. The proposed approach to affordable housing and viability is therefore considered to be acceptable.

k) Whether planning obligations are necessary?

- 7.102. Regulation 122 of the Community Infrastructure Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.

- 7.103. In this case, the proposed development gives rise to a number of impacts that cannot be fully mitigated through planning conditions alone and therefore require the use of a Section 106 legal agreement.
- 7.104. The development is also subject to Community Infrastructure Levy (CIL), which will contribute towards the provision of wider strategic infrastructure. However, site-specific impacts must be addressed through planning obligations in order to make the development acceptable.
- 7.105. I recommend that the planning obligations in Table 1 below be required should the Committee resolve to grant planning permission. In summary these are:
- Secondary education and SEND contributions, as requested by Kent County Council;
 - Viability review (clawback) mechanism, to secure any future uplift in scheme viability towards affordable housing provision;
 - Provision of 8 self/custom build plots, in accordance with Policy UA17 and Policy HB4;
 - Highway improvements, including delivery of a controlled pedestrian crossing and bus stop upgrades on Seabrook Road;
 - Provision, management and maintenance of on-site public open space and play areas;
 - On-site and/or off-site Biodiversity Net Gain provision, to ensure delivery of the statutory minimum 10% biodiversity net gain, together with long-term management and monitoring; and
 - Monitoring contributions, to enable the Local Planning Authority to monitor compliance with the Section 106 agreement
- 7.106. These obligations directly relate to the impacts of the proposed development and are necessary to ensure that the scheme is acceptable in planning terms. The scale and nature of the contributions sought are proportionate to the development.
- 7.107. In considering the overall package of obligations, it is important to recognise that these requirements, together with CIL and site-specific abnormal costs, form part of the overall development cost base assessed through the viability appraisal.
- 7.108. As set out in the preceding section, the cumulative impact of these costs has been independently assessed and has informed the conclusion that the scheme cannot viably support affordable housing provision at the present time. Notwithstanding this, the viability review mechanism will ensure that any future improvement in development viability is captured and contributes towards affordable housing delivery.
- 7.109. Subject to the completion of a Section 106 agreement securing the obligations set out above, the proposed development is considered to comply

with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the relevant policies of the Development Plan.

Environmental Impact Assessment

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

Local Finance Considerations

- 7.111. In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £141.84 per square metre (Zone C) for new residential floor space with the exception of any self-build housing units which are exempt.

Human Rights

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

Public Sector Equality Duty

- 7.113. 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.

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

Working with the applicant

- 7.115. 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.

8. CONCLUSION

- 8.1. The application seeks planning permission for the redevelopment of a previously developed and allocated site for residential use, delivering up to 150 dwellings in accordance with the expectations of Policy UA17 of the PPLP. The principle of development is therefore established and consistent with the spatial strategy set out in Policy SS1 and the objectives of the NPPF in boosting the supply of housing. The development would make a meaningful contribution towards the District's housing supply.
- 8.2. The scheme has been assessed against the detailed criteria of Policy UA17 and other relevant development plan policies. It is considered that the proposal adopts a genuinely landscape-led approach, responding appropriately to the site's topography, established tree cover and wider landscape context. The layout, scale and design of the development are of a high quality and appropriate and would integrate successfully with the site and its surroundings, whilst also delivering a comprehensive network of green infrastructure and public open space/play space.
- 8.3. The impacts of the development in respect of landscape, heritage, residential amenity, highway safety, ecology, flood risk, land stability and contamination have been considered. Subject to the imposition of appropriate planning conditions and the completion of a Section 106 legal agreement, these impacts are considered to be acceptable and in accordance with the Development Plan. Whilst the proposal would result in some tree loss and on-site biodiversity deficit, this is mitigated through significant tree retention, new planting, ecological enhancements and the provision of off-site biodiversity net gain. The scheme would also deliver a number of significant benefits, including the redevelopment of a previously developed allocated site in a sustainable location, the provision of up to 150 dwellings, and a landscape-led form of development with substantial green infrastructure and public open space.
- 8.4. The proposal would make effective use of an allocated brownfield site within a sustainable location, delivering a mix of housing types including self/custom build dwellings, alongside supporting infrastructure and environmental enhancements. Whilst the proposal does not provide affordable housing at the outset and is therefore in conflict with Policy CSD1, this has been robustly justified through independently reviewed viability evidence.

- 8.5. Importantly, a viability review (clawback) mechanism is proposed to be secured through the Section 106 agreement. This will ensure that any improvement in viability over the lifetime of the development is captured and used to provide a contribution towards affordable housing, thereby addressing the identified shortfall and supporting the delivery of mixed and balanced communities in accordance with the objectives of the Core Strategy.
- 8.6. Overall, having regard to the Development Plan as a whole and all other material considerations, it is considered that the benefits of the development, including the delivery of housing on an allocated site, economic investment, infrastructure provision and environmental enhancements, together with the safeguards secured through the viability review mechanism, outweigh the identified conflict with affordable housing policy. There are no adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme.
- 8.7. Accordingly, the proposal is considered to represent sustainable development, and it is recommended that planning permission be granted, subject to conditions and the completion of a Section 106 agreement.

9. BACKGROUND DOCUMENTS

- 9.1. All papers referred to in this report including the consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended), are published on the Folkestone & Hythe District Council (www.folkestone-hythe.gov.uk). Those papers relating specifically to this application may be found on the View applications on line pages under planning application reference 25/2112/FH)

10. RECOMMENDATIONS

That planning permission be granted subject to:

(i) the conditions set out below; and

(ii) the prior completion of a Section 106 legal agreement securing:

- **financial contributions towards secondary education and SEND provision;**
- **a viability review (clawback) mechanism to secure any future uplift in viability towards affordable housing provision;**
- **the provision of self/custom build plots in accordance with Policy UA17 and Policy HB4;**
- **highway infrastructure improvements, including a controlled pedestrian crossing and bus stop upgrades on Seabrook Road;**
- **the provision, management and maintenance of on-site public open space and play space;**

- **biodiversity net gain provision, including off-site compensation where required, together with long-term management and monitoring; and**
- **monitoring contributions;**

and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the planning conditions and the Section 106 agreement, including any necessary minor amendments including additions he considers necessary:

Conditions:

1. The development hereby permitted in detail (the “full” element of the application) shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Applications for approval of all reserved matters relating to the outline component of the development shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3. The outline component of the development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

4. Application for approval of reserved matters referred to in Condition (2) shall accord with and demonstrate compliance with the principles and limits established by the approved Parameter Plan – Land Use Plan, 221 Rev A save for minor variations where it can be demonstrated that such a variation would not prejudice the overall development principles of the scheme.

Reason: To ensure that the development delivers in accordance with the assessed framework.

5. Application for approval of reserved matters referred to in Condition (2) shall not exceed the maximum areas of built development or scale as set

out in the Parameter Plan – Land Use Plan, 221 Rev A.

Reason: To ensure that the development delivers in accordance with the assessed framework.

6. Application for approval of reserved matters referred to in Condition (2) shall demonstrate at least the minimum compliance with the Parameter Plan – Land Use Plan, 221 Rev A in terms of open space and landscape buffers.

Reason: To ensure that the development delivers as a minimum the amount the open space and landscape buffers proposed in accordance with the assessed framework.

7. Prior to the commencement of any development (excluding site clearance, demolition and site investigation works), a phasing plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall set out the proposed sequence and timing of the development, including both the detailed (full) and outline elements.

The development shall thereafter be carried out in accordance with the approved phasing plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is delivered in a coordinated and comprehensive manner, and to enable the timely provision of infrastructure and mitigation measures.

8. The development hereby approved shall be carried out in accordance with the approved documents and drawing list (28 January 2026).

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

9. No construction above slab level shall take place in any identified phase or subphase until samples of the external materials to be used in the construction of the external surfaces of the building(s) hereby approved and within that phase or subphase, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed development.

10. No development beyond the construction of foundations shall take place

on each plot, (unless specified to the contrary), until the relevant details set out below have been submitted to and approved in writing by the Local Planning Authority. Development of the relevant plot shall only be carried out in accordance with the approved details unless agreed otherwise by the Local Planning Authority in writing. Where relevant, the following details should be provided on drawings at an appropriate scale of 1:50 (where detail needs to be considered contextually related to a façade) and at 1:20 in other cases:

- (a) full details of glazing and external doors, including all external joinery and framing methods and external colour (1:20),
- (b) 1:20 horizontal and vertical cross sections through typical sections of each of the facades sufficient to show the relationship between the façade and those elements of detail to be embedded within the façade as well projecting from it (such as the extent of recessing of glazing and doors in openings created in the façade, the consequential treatment of window reveals, the details of cills and the extent of projecting elements from the façade),
- (c) 1:100 elevation detailing the locations of all expansion joints in facades.
- (d) prior to installation - Details of any plant or machinery proposed on the roof and associated screens,
- (e) prior to installation - Details of any satellite dishes or antenna,
- (f) prior to installation - Details of rainwater goods, eaves, fascia and entrance canopies (including materials and finish, details of any supporting posts and related brick plinths and roofing materials),
- (g) prior to installation - details and locations of vents, louvres, extractor vents, external pipes, meters etc.
- (h) prior to installation - 1:50 scale details of the parapet capping,
- (i) prior to installation - Details of external entrance steps, balconies, privacy screens, handrails and balustrades.
- (j) mortar colour(s)

Reason: Further details are required to ensure that the external appearance and fine detailing are of an appropriate high quality.

11. Details of all walls, fences and means of enclosure shall be submitted to

and approved in writing by the Local Planning Authority prior to installation.

Reason: In the interests of visual amenity

12. No development shall take place, including any works or demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction. The statement shall provide for:

- (a) Routing of construction and delivery vehicles to / from site
- (b) The parking and turning for the vehicles of site operatives and visitors
- (c) Loading and unloading of plant and materials
- (d) Storage of plant and materials used in constructing the development
- (e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- (f) Wheel washing facilities
- (g) Measures to control the emission of dust and dirt during construction
- (h) A scheme for recycling or disposal of waste resulting from construction works
- (i) Timing of deliveries avoiding network and school peaks where possible and permitted construction traffic arrival and departure times
- (j) Temporary traffic management and signage
- (k) Management of loose loads
- (l) Confirmation that the developer has signed up to the Considerate Constructors Scheme

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

13. Prior to the commencement of the development and following completion of the development highway condition surveys for highway access routes should be undertaken and submitted to the Local Planning Authority along with a commitment provided to fund the repair of any damage caused by vehicles related to the development in consultation with Kent County Council Highways and Transportation.

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

14. Prior to the commencement of the development full details of proposed measures to prevent the discharge of surface water onto the highway shall be submitted to and approved in writing by the Local Planning Authority in consultation with KCC Highways and Transportation.

Reason: In the interests of highway safety.

15. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours
Saturdays 0730 – 1300 hours

unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

16. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

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

Reason: In the interests of highway safety and convenience.

18. Any carport hereby approved shall be kept available in its entirety for the parking of vehicles at all times, and notwithstanding the provisions of Class A/E of part 1 of schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) no doors, shutters nor any other means of enclosing the carport shall be erected or constructed

on site and no development whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the site, in such a manner or in such a position as to preclude vehicular access to the carport.

Reason: In the interests of highway safety and convenience.

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

Reason: In the interests of highway safety and convenience.

20. The visibility splays shown on the approved plans shall be provided prior to the first occupation of any dwelling and thereafter maintained clear of any structure, tree, plant or other obstruction which exceeds 1.05 metres above carriageway level within the approved sight lines.

Reason: In the interests of highway safety and convenience.

21. Prior to the occupation of the development (or relevant phase), details of secure and covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority.

The details shall include:

- (i) The number and location of cycle parking spaces;
- (ii) The design, layout and dimensions of the facilities;
- (iii) Details of security measures;
- (iv) Details of weather protection.

The approved cycle parking facilities shall be provided prior to the occupation of each dwelling within the relevant phase and thereafter retained.

Reason: To ensure the provision of appropriate cycle parking facilities and to promote sustainable modes of transport.

22. No flat/apartment shall be occupied in any phase or subphase until the details identified below have been submitted to and approved by the Local Planning Authority in writing in relation to each block of apartments and subsequently provided available for use by the occupiers of those apartments:

(a) details of security and amenity lighting within the undercroft parking areas/communal parking areas and on communal cycle and bin stores serving such flats.

(b) details of signage (including location) to be affixed to walls or other structures at the entrances thereto to indicate the private nature of the environment being entered and any flat(s) with a front entrance and address point that dictates signage should be provided to assist deliveries and the emergency services.

(c) details of secure access arrangements to bin stores and cycle stores, including opening/closing hardware and stays or catches to lock doors back in an open position at collection time.

Thereafter, unless the Local Planning Authority has given written approval to any variation, the approved arrangements in relation to (a) – (c) above shall be retained in working order.

Reason: No such fine details have been provided. The fine detail is important to ensure that the spaces are secure and safe for residents' use.

23. Prior to the commencement of development an ecological mitigation strategy shall be submitted to the Local Planning Authority and approved in writing. It must include the following:

- Updated Preliminary Ecological Appraisal
- Updated species surveys where recommended
- Overview of the mitigation to be implemented.
- Extent and location of proposed construction and mitigation works, shown on appropriate scale maps and plans;
- Specific measures (which may be presented as a series of method statements) to avoid impacts to protected/notable species and a timetable for implementation of the measures;
- Plans clearly showing the location of any on site mitigation areas.
- Details of fencing/barriers to protect retained and proposed habitats.
- Persons responsible for implementing the measures, including times during construction when specialist ecologists need to be present on-site;
- The role and responsibilities of an Ecological Clerk of Works (ECoW) or similarly competent person(s);

- Plans showing the location of any off site mitigation areas and evidence that any off site mitigation areas have been secured

The approved mitigation strategy shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure the protection of habitats and species of ecological interest, including protected species, and to secure appropriate mitigation measures prior to the commencement of development, in accordance with Policy NE2 of the Places and Policies Local Plan and the National Planning Policy Framework.

24. Within 3 months of the commencement of development (including any vegetation clearance), a review and, where necessary, update of the Ecological Mitigation Strategy approved under Condition 23 shall be carried out.

The review shall be informed by an updated Preliminary Ecological Appraisal.

Where updates are required, a revised Ecological Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Where no changes are necessary, written confirmation shall be submitted to the Local Planning Authority confirming that the previously approved strategy remains valid.

The development shall thereafter be carried out in accordance with the approved Ecological Mitigation Strategy.

Reason: To ensure that ecological mitigation measures remain up to date and effective, having regard to potential changes in site conditions and species presence, in order to protect habitats and species of ecological interest in accordance with Policy NE2 of the Places and Policies Local Plan and the National Planning Policy Framework.

25. No development above slab level shall take place within the detailed (full) element of the development until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority.

The lighting strategy shall include details of the type, specification and location of all external lighting, together with plans demonstrating light spill (in lux levels), in order to demonstrate that areas to be lit shall not adversely impact biodiversity.

The approved lighting shall be installed in accordance with the approved

details and shall thereafter be retained and maintained.

Reason: To ensure that external lighting associated with the development is designed to minimise impacts on biodiversity, including protected and nocturnal species, in accordance with Policy NE2 of the Places and Policies Local Plan and the National Planning Policy Framework.

26. The reserved matters application(s) for the outline element shall include details of a lighting strategy.

The lighting strategy shall include details of the type, specification and location of all external lighting, together with plans demonstrating light spill (in lux levels), in order to demonstrate that areas to be lit shall not adversely impact biodiversity.

Any external lighting shall be installed in accordance with the approved details and shall thereafter be retained and maintained.

Reason: To ensure that external lighting associated with the development is designed to minimise impacts on biodiversity, including protected and nocturnal species, in accordance with Policy NE2 of the Places and Policies Local Plan and the National Planning Policy Framework.

27. No development above slab level shall take place within the detailed (full) element of the development until a detailed Ecological Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority.

The plan shall demonstrate the ecological enhancement measures to be incorporated within the site and buildings and shall include (but not be limited to) integrated bat and bird bricks, bird and bat boxes, bee bricks, log piles, hedgehog highways, and invertebrate hotels.

The approved enhancements shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: To secure biodiversity enhancements within the development and ensure that appropriate measures are incorporated at the earliest stage of construction, in accordance with Policy NE2 of the Places and Policies Local Plan and the National Planning Policy Framework.

28. The reserved matters application(s) for the outline element shall include a detailed Ecological Enhancement Plan.

The plan shall demonstrate the ecological enhancement measures to be incorporated within the site and buildings and shall include (but not be

limited to) integrated bat and bird bricks, bird and bat boxes, bee bricks, log piles, hedgehog highways, and invertebrate hotels.

The approved enhancements shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: To ensure that biodiversity enhancements are incorporated as an integral part of the reserved matters design, in accordance with Policy NE2 of the Places and Policies Local Plan and the National Planning Policy Framework.

29. Within 6 months of the occupation of 50% of the dwellings within each phase or subphase of the development, a completion report produced by a suitably qualified ecologist shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include photographic evidence demonstrating the implementation of the approved biodiversity enhancement measures required by Conditions 27 and 28.

The approved measures shall be retained thereafter.

Reason: To ensure that biodiversity enhancement measures are fully implemented and retained, in the interests of biodiversity in accordance with Policy NE2 of the Places and Policies Local Plan and the National Planning Policy Framework.

30. No development shall commence until a Habitat Management and Monitoring Plan (HMMP), prepared by a suitably qualified ecologist and based on up-to-date ecological survey information, has been submitted to and approved in writing by the Local Planning Authority.

The HMMP shall be prepared in accordance with the approved Biodiversity Gain Plan and shall include:

- a) A non-technical summary;
- b) The roles and responsibilities of the persons or organisation(s) delivering the HMMP;
- c) Details of habitat retention, creation and enhancement works (including landscaping plans and planting schedules) to achieve the approved biodiversity net gain;
- d) Management measures for a period of at least 30 years;
- e) Monitoring methodology and frequency;
- f) Details of any decommissioning process and associated mitigation measures to protect habitats and species.

The retained, created and/or enhanced habitats specified in the approved HMMP shall be implemented, managed, maintained and monitored in accordance with the approved HMMP.

Monitoring reports demonstrating the achievement of the biodiversity net gain targets set out in the approved Biodiversity Gain Plan shall be submitted to the Local Planning Authority in accordance with the methodology and frequency specified in the approved HMMP.

Where monitoring identifies that the biodiversity net gain targets are not being achieved, a revised Habitat Management and Monitoring Plan (HMMP), including remedial measures, shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial measures shall thereafter be implemented in full.

Reason: To ensure the effective delivery, management and monitoring of biodiversity enhancements in accordance with the approved Biodiversity Gain Plan and to secure measurable biodiversity net gain in accordance with Policy NE2 of the Places and Policies Local Plan and the National Planning Policy Framework.

31. No occupation of more than 50% of the dwellings within a phase of the development shall take place until:

(a) the habitat creation and enhancement works for that phase, as set out in the approved Habitat Management and Monitoring Plan (HMMP), have been completed; and

(b) a dated completion report, prepared by a suitably qualified ecologist and including photographic evidence of the completed habitat creation and enhancement works, has been submitted to and approved in writing by the Local Planning Authority.

The habitat creation and enhancement works shall thereafter be maintained in accordance with the approved HMMP.

Reason: To ensure that biodiversity enhancement measures are delivered at an appropriate stage in the development and are capable of contributing to the achievement of the biodiversity net gain targets, prior to the majority occupation of the development, in accordance with Policy NE2 of the Places and Policies Local Plan and the National Planning Policy Framework.

32. Prior to the commencement of development all recommendations relating to tree removal, retention and protection as set out within the submitted Arboricultural Impact Assessment and Tree Protection Plan must be

implemented.

The protection measures shall be retained in position and all recommendations within the report shall be followed at all times until the completion of the development, and the land so enclosed shall be kept clear of all contractors' materials and machinery. The existing soil levels within the root protection areas (RPAs) of the trees shall not be altered unless under the supervision of the appointed arboriculturist and expressly agreed in writing by the Council.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will be safeguarded and will not be damaged during the period of construction.

33. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- e) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- f) a specification for ground protection within tree protection zones.
- g) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- h) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- i) Methodology and detailed assessment of root pruning if required.
- j) Arboricultural supervision and inspection by a suitably qualified tree specialist.
- k) Reporting of inspection and supervision.
- l) Specification for access facilitation pruning.

The development thereafter shall be implemented in strict accordance

with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policies HB1 and NE2 and pursuant to section 197 of the Town and Country Planning Act 1990.

34. Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures, specification of access facilitation pruning and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details, or any variation as may subsequently be agreed in writing by the LPA.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 and in line with the recommendations set out in BS5837:2012 and BS2998:2010.

35. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with local policies: HB1 - Quality Places Through Design and NE2 – Biodiversity.

36. Contamination:

- a) No development shall take place until a desk top study has been undertaken and submitted to and approved in writing by the Local

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

- b) If the desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons, and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:
- (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to:
 - Human health;
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Ground waters and surface waters,
 - Ecological systems,
 - Archaeological sites and ancient monuments; and
 - (iii) An appraisal of remedial options and identification of the preferred option(s).

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

- c) If investigation and risk assessment shows that remediation is necessary, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after

remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

- d) No development shall take place until a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
- e) If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

- 37. No development beyond the construction of foundations in any phase shall take place until full details of the method of disposal of foul and surface waters have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the phase hereby permitted.

Reason: In order to prevent pollution of water supplies.

- 38. Prior to the commencement of development in any identified phase, a detailed sustainable surface water drainage scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority. The details shall confirm that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be

accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to relevant current published guidance and standards):

- any existing surface water flow paths can be accommodated and disposed of without increase to flood risk on or off site.
- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

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

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

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 175 of the National Planning Policy Framework.

40. No development beyond the construction of foundations shall take place in any phase or sub phase until details demonstrating the development as a whole will reduce carbon emissions by a minimum of 10 percent above the Target Emission Rate, as defined in the Building Regulation for England approved document L1A: Conservation of Fuel and Power in

Dwellings, (or any document which supersedes or updates that document) have been submitted to and approved in writing by the Local Planning Authority. Upon approval the measures shall be implemented as agreed and thereafter retained and maintained in perpetuity.

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

41. No development beyond the construction of foundations shall take place in any phase or subphase until details to demonstrate that the dwellings hereby permitted shall use no more than 110 litres of water per person per day have been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as agreed.

Reason: In the interest of sustainable development and minimising water consumption.

42. Prior to the occupation of any dwelling in any phase or sub phase, an Electric Vehicle Charging Strategy shall be submitted to and approved in writing by the Local Planning Authority.

The strategy shall include:

(i) Provision of active electric vehicle charging points for all dwellings with on-plot parking or private driveways;

(ii) Details of electric vehicle charging infrastructure for apartment blocks, including the proportion of active and passive provision within undercroft or communal parking areas;

(iii) Details of electric vehicle charging provision for on-street and visitor parking;

(iv) Confirmation of the power supply, infrastructure capacity, and arrangements for future expansion of charging provision;

(v) A programme for the implementation of the approved measures.

The development shall be carried out in accordance with the approved strategy, and the charging points shall be installed prior to the occupation of each dwelling or building to which they relate and thereafter retained.

Reason: In the interest of sustainable development and reducing carbon emissions.

43. Each dwelling (house) shall be provided with a rainwater butt of a minimum capacity of 200 litres connected to a rainwater downpipe where

feasible.

The water butt shall be installed prior to the first occupation of each dwelling (house) and thereafter retained.

Reason: To promote sustainable water management and reduce surface water run-off.

44. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

- i. archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority; and
- ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority.

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

45. Slope Stability

- a) Prior to commencement of the development the applicant shall obtain, from a suitably qualified engineer, a written slope stability report advising on the effect the development will have on the stability of the site and all adjoining land and properties. The report is to include, but need not be limited to, the types of proposed foundations, the effect that any excavations into sloping ground will have, types of retaining structures necessary, surface and foul drainage, the effect of any increase/decrease of site loadings, the possible effect to the stability of any adjoining properties, and any other factors needed to ensure the stability of the site and all adjoining land, properties and associated services.

The report should also include a method statement which indicates measures to be adopted during the construction phase to ensure that development does not cause instability to adjoining retaining walls, land and buildings. No development shall take place until this report has been submitted to and approved in writing by the Local Planning Authority.

- b) No works other than those approved shall be carried out unless details of these have first been submitted to and approved by the Local Planning Authority.
- c) All works recommended in the approved slope stability report and method statement (and any alternative works approved) shall be carried out as set out in the approved documents and upon completion confirmation from a suitably qualified engineer that the approved works have been carried out in full shall be submitted to the Local Planning Authority prior to the building being occupied.

Reason: The site lies within, or within the influence of an area identified as being subject to soil instability as detailed on the Ordnance Survey Geological Survey and it is necessary to ensure that appropriate works are carried out in order to ensure the stability of the site and the development and the adjoining land and buildings.

46. No development above slab level shall take place in any relevant phase or sub phase until full details of all proposed on-site play areas within that phase have been submitted to and approved in writing by the Local Planning Authority.

The details shall include:

- (i) The location, layout and design of the play areas;
- (ii) Details of all play equipment, including manufacturer specifications;
- (iii) Details of safety surfacing and boundary treatments;
- (iv) Details of seating, bins and ancillary features;
- (v) A timetable for the provision of the play areas.

The approved play areas shall be provided in accordance with the approved details and made available for use prior to the occupation of 50% of the dwellings within the relevant phase of development and shall thereafter be retained and maintained.

Reason: In the interests of visual amenity and to ensure the provision of high-quality and safe play facilities for residents.

47. No development beyond the construction of foundations shall take place in any phase or sub phase until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species, plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenity of the area and

encouraging wildlife and biodiversity.

48. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the relevant phase or in accordance with the programme agreed in writing with the Local Planning Authority.

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

49. 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.

50. The privacy screens shown on the approved plans shall be installed prior to the first occupation of the relevant dwellings and thereafter retained.

Reason: To safeguard neighbouring amenity.

51. No dwelling shall be occupied until high-speed broadband infrastructure has been installed to serve that dwelling in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

The submitted details shall include the provision of ducting, cabinets and internal connections to enable the delivery of high-speed broadband services.

Where it can be demonstrated that it is not possible to provide a fibre connection, alternative infrastructure providing the fastest available broadband service shall be provided.

Reason: To ensure the provision of high-quality digital infrastructure to support sustainable and connected communities in accordance with national guidance.

52. Each self/custom build plot shall be constructed in accordance with the approved Plot Passport (Design and Access Statement) unless an application for approval of non-material amendment or minor material amendment has been submitted to and approved in writing by the Local Planning Authority.

Such amendments shall be limited to:

- (i) Internal layout changes;
- (ii) Changes to external materials within the agreed palette;
- (iii) Minor alterations to fenestration and detailing;

and shall not materially alter the scale, height, footprint, or overall design principles of the approved dwelling.

Reason: To allow flexibility for custom-build development whilst ensuring the overall design quality and character of the scheme is maintained.

Informatives:

1. IMPORTANT - Biodiversity Gain Condition:

The development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Folkestone & Hythe District Council. Further information about the BNG status of this application and how to comply with this statutory condition are set out below within the notes.

Biodiversity Net Gain Condition

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun. For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: Submit a biodiversity gain plan - GOV.UK (www.gov.uk)

Statutory Exemptions and Transitional Arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>.

Irreplaceable Habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where -

(a) a biodiversity gain plan was approved in relation to the previous planning permission (“the earlier biodiversity gain plan”), and

(b) the conditions subject to which the planning permission is granted:

(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

2. Highways:

The applicants attention is drawn to the comments of Kent County Highways and Transport dated 10 March 2026 and the advice contained therein.

3. Environment Agency:

Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National

Groundwater & Contaminated Land Centre report NC/99/73”.

4. Southern Water:

In order to protect and safeguard the existing water supply apparatus, Southern Water requests formal notification of any proposed demolition works prior to such works being undertaken.

Any new connections to the public sewerage system will require a Section 106 connection application to be submitted and approved by Southern Water Services. Please note that, where there are separate systems, available Southern Water will not allow surface water to connect into the public foul sewer. If this is not possible, evidence will need to be provided demonstrating that all other options have been explored. For further advice, contact Southern Water (0330 303 0119).

5. Affinity Water:

Due to the potential of water mains running through or near to part of proposed development site, the developer will need to contact the Affinity Water Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

Affinity Water will supply drinking water to the development. The applicant is advised to contact Affinity Water Developer Services regarding supply matters due to the increased demand for water in the area resulting from this development.

6. Trees and Landscaping:

Arboricultural Method Statement (AMS):

The following British Standards should be referred to:

- a) BS: 3998:2010 Tree work – Recommendations
- b) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

Tree Pruning Specification:

The following British Standards should be referred to:

- a) BS: 3998:2010 Tree work – Recommendations
- b) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations

Landscape Works:

The following British Standards should be referred to:

- a) BS: 3882:2015 Specification for topsoil 11/07/2024
- b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- c) BS: 3998:2010 Tree work – Recommendations
- d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)

- e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- h) BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations
- i) BS: 8601:2013 Specification for subsoil and requirements for use.

Tree planting:

The following British Standards should be referred to:

- a) BS: 3882:2015 Specification for topsoil
- b) BS: 3998:2010 Tree work – Recommendations
- c) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)

The London Tree Officers Association - www.ltoa.org.uk

- e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- h) BS: 8545:2014 Trees: from nursery to independence in the Landscape - Recommendations
- i) BS: 8601:2013 Specification for subsoil and requirements for use

7. S106:

The applicant is advised that this permission is subject to a Section 106 legal agreement. The development must be carried out in full accordance with the terms of the Section 106 Agreement.

The applicant is advised that the provision of off-site highway works, including a signalised pedestrian crossing on the A259 and improvements to nearby bus stops, are secured through the Section 106 Agreement and will require separate agreement with the Highway Authority prior to implementation.

Table 1 – s106 Obligations

Draft s106 obligations

Obligation No.	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts(s)	Trigger Points(s)	
1.	<p>Viability Review/Clawback Deferred provision/payments mechanism:</p> <p>A mechanism to review the financial performance of the development and capture any uplift in sales values compared to those assumed in the submitted viability appraisal. The mechanism shall:</p> <ul style="list-style-type: none"> require the submission of viability review(s) at agreed stages of the development; assess actual sales values and costs against the approved baseline appraisal; secure a proportion of any surplus profit 	<p>Up to the full value of deferred policy-compliant contributions (including affordable housing), indexed. No payment required where no surplus is demonstrated.</p>	<p>Review to be undertaken at agreed stages:</p> <ul style="list-style-type: none"> An early-stage review, triggered at the Reserved Matters stage, to reassess viability prior to the delivery of later phases of development; and; A late-stage review, undertaken towards completion of the development, based on actual build costs and achieved sales values. <p>Any resulting payments to be made prior to occupation of the agreed threshold.</p>	<p>Necessary to ensure that, where viability improves, the development delivers policy-compliant planning obligations in accordance with Policy CSD1 and the objectives of the NPPF.</p> <p>Directly related to the development as it applies solely to the scheme and seeks to address the identified shortfall in contributions arising from the viability position.</p> <p>Fairly and reasonably related in scale and kind as it is limited to recovering deferred contributions up to the level required by policy and proportionate to any improvement in scheme viability.</p>

Table 1 – s106 Obligations

Obligation No.	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts(s)	Trigger Points(s)	
	above the agreed developer return; <ul style="list-style-type: none"> • prioritise the recovery of deferred planning obligations, including affordable housing contributions (or commuted sum if applicable); • be implemented in accordance with a review methodology to be agreed with the Local Planning Authority. • Review to be independently assessed at the developer's cost 			
2.	<p>Play Area (LAP):</p> <p>On-site provision within full application area.</p> <p>To be managed and maintained by a management company.</p> <p>(Responsible for:</p> <ul style="list-style-type: none"> • open space 	In accordance with the approved layout plans and specification to be agreed.	In accordance with a timetable to be submitted and agreed.	<p>Necessary as play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to policy C4 of the PPLP, the adopted Play Area Strategy and guidance in the NPPF.</p> <p>Directly related as occupiers will use the play space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained.</p>

Table 1 – s106 Obligations

Obligation No.	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts(s)	Trigger Points(s)	
	<ul style="list-style-type: none"> • play • SuDS (if not adopted) • ecological areas) 			
3.	<p>Open Space:</p> <p>On-site open space To be maintained and managed by a management company. (Responsible for:</p> <ul style="list-style-type: none"> • open space • play • SuDS (if not adopted) • ecological areas) 	<p>In accordance with land use parameter plan and general arrangement plans and plan identifying managed areas for both outline and full application areas.</p>	<p>In accordance with a phased timetable to be submitted and approved by the LPA.</p>	<p>Necessary as open space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to policy C3 of the PPLP and guidance in the NPPF.</p> <p>Directly related as occupiers will use open space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained.</p>
4.	<p>Secondary Education:</p> <p>Towards the expansion of</p>	<p>£5587.19 per house and £1396.80 per flat</p> <p>for applicable dwellings (applicable dwelling excludes: 1 bed units of less than 56 sqm GIA)</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as there is a significant deficit of secondary education places when all proposed and consented developments are taken into account and pursuant to policy SS5 of the Core Strategy Review and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p>

Table 1 – s106 Obligations

Obligation No.	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts(s)	Trigger Points(s)	
	selective and nonselective Planning Groups in Folkestone & Hythe District	Total amount assumed: £386,913.12 (based upon 150 dwellings and excluding outline 1 bed units for which the GIA is unknown)		<p>Directly related as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of pupils and is based on the number of dwellings.</p>
5.	<p>Special Education Needs and Disabilities (SEND):</p> <p>Towards the provision of additional SEND places and/or additional SEND facilities to serve this development</p>	<p>£559.83 per house and £139.96 per flat</p> <p>or applicable dwellings (applicable dwelling excludes: 1 bed units of less than 56 sqm GIA)</p> <p>Total amount assumed: £38,768.44 (based upon 150 dwellings and excluding outline 1 bed units for which the GIA is unknown)</p>	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as there is a significant deficit of SEND places when all proposed and consented developments are taken into account and pursuant to policy SS5 of the Core Strategy Review and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of pupils and is based on the number of dwellings.</p>
6.	<p>Self-build/Custom Build:</p> <p>The provision of 8 serviced self/custom build plots within the development.</p> <p>The Custom Build Plots shall be developed in</p>	8 self/custom build dwellings	Available prior to occupation of an agreed proportion of dwellings.	<p>Necessary as would provide housing for those who are on the Councils self-build and custom housebuilding register pursuant to HB4 of the PPLP and guidance in the NPPF.</p> <p>Directly related as the plots would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided and the area of the District.</p>

Table 1 – s106 Obligations

Obligation No.	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts(s)	Trigger Points(s)	
	accordance with the approved Plot Passports and Design and Access Statement, unless otherwise agreed in writing by the Local Planning Authority.			
7.	<p>Biodiversity Net Gain:</p> <p>On-site BNG:</p> <ul style="list-style-type: none"> • Implementation of approved landscaping, habitat creation and enhancement measures; • Retention and management of woodland, green infrastructure and ecological corridors; • Delivery in accordance with a Biodiversity Gain Plan (BGP) and Habitat Management and Monitoring Plan (HMMP). <p>Off-site BNG:</p>	<p>Sufficient biodiversity units to achieve a minimum 10% net gain, including:</p> <ul style="list-style-type: none"> • On-site habitat delivery; and • Off-site provision (approximately 23.84 biodiversity units (or as updated through the approved Biodiversity Gain Plan). 	<p>Approval of a Biodiversity Gain Plan.</p> <p>Prior to occupation (phased as required):</p> <ul style="list-style-type: none"> • Securing of off-site biodiversity units. <p>Ongoing:</p> <ul style="list-style-type: none"> • Implementation and long-term management of habitats in accordance with HMMP. <p>Off-site biodiversity units to be secured and legally agreed prior to commencement of development</p>	<p>Necessary as requirement to achieve a minimum 10% biodiversity net gain under the Environment Act 2021 and Policy NE2.</p> <p>Directly related to the development as it addresses the loss of habitats resulting from the proposal.</p> <p>Fairly and reasonably related in scale and kind as it is limited to the biodiversity impacts of the development and the requirement to deliver measurable net gain.</p>

Table 1 – s106 Obligations

Obligation No.	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts(s)	Trigger Points(s)	
	<ul style="list-style-type: none"> • Provision and securing of off-site biodiversity units to address any identified on-site shortfall; • Units to be secured through an approved off-site provider or biodiversity credits (as a last resort); • Off-site provision to be maintained for a minimum period of 30 years. 			
8.	<p>Highway Improvements:</p> <p>Delivery of off-site highway works comprising:</p> <ul style="list-style-type: none"> • Provision of a signal controlled pedestrian crossing on Seabrook Road; • Upgrade of the two nearest bus stops to include raised kerbs and accessible boarding arrangements; 	To be secured and delivered at the developer's cost.	Completion of the pedestrian crossing and bus stop upgrades prior to first occupation (or alternative trigger as agreed with the Highway Authority).	<p>Necessary to mitigate the transport impacts of the development and to provide safe and suitable access for all users, in accordance with Policy UA17, Policy T1 and the NPPF.</p> <p>Directly related to the development as the works are required to serve and facilitate access to the site and improve connectivity for future occupiers.</p> <p>Fairly and reasonably related in scale and kind as the works are proportionate to the scale of the development and directly relate to its transport impacts.</p>

Table 1 – s106 Obligations

Obligation No.	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts(s)	Trigger Points(s)	
	<ul style="list-style-type: none"> Any associated works required to facilitate safe access and pedestrian connectivity, in accordance with approved plans. <p>Works to be delivered via a Section 278 Agreement with the Highway Authority.</p>			
9.	<p>Monitoring Fees: Applies in all cases</p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	TBC	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)</p> <p>BNG Monitoring fee upon commencement of development.</p>	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>
<p>Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's legal costs in connection with the deed must be paid by the applicant.</p> <p>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p>				

