

INQUIRY Ref: NATTRAN/SE/S247/3254

Princes Parade, Hythe

Statement of Case by Dr Geoff Burrell

Preface

1. I make this statement as a resident of Hythe and as a retired Management Consultant with much expertise of complex development projects. To declare a personal interest, as a disabled person I am dismayed by the loss of easy access to the beach over the length of the coastal road.
2. The well-established and agreed objective of the development is to build a leisure centre for Hythe to replace its ailing swimming pool. In order to contribute 'enabling' funds, the majority of the land to be developed will be sold for residential and commercial purposes, with an intention to include 30% Affordable Homes. That majority forms the Outline part of the hybrid application, for which uncertainty exists, with no certainty that one or more developer will make the necessary land purchase.
3. The planning application proposes that the road diversion would take place in two phases, covering the Detail and Outline parts. Uncertainty exists about the interdependencies between those two parts, how the overall scheme will be implemented, and hence the inevitable impact on the user benefits / disadvantages, the heritage asset and the ecology.
4. Information gained via the Environmental information Regulations indicates that the applicant's reasons for wishing to divert the highway were far from conclusive (X5, X6, X7). While the principal reason identified during the applicant team's design discussions of 2016 was to minimise the "massing" impact of the leisure centre on the Royal Military Canal, their final decision to divert the road failed to encourage Historic England to downgrade their ongoing objection concerning the level of harm (CD41).
5. For those reasons, combined with a wide range of high risk technical and programmatic reasons, the design of the development remains substantially fluid. It seems illogical therefore to find that the applicant unnecessarily chose to submit a planning application in such a form that his colleagues in the planning department proceeded to issue Planning Permission that is undoubtedly valid but lacks any flexibility for improvement.
6. With that background I focus on factors that relate to the Necessity of stopping-up and diverting the highway by analysing the Planning Permission in the context of what the development actually comprises. This yields the conclusion that the Planning Permission is **not relevant** to the development, which indicates a recommendation to **refuse the order**.

Analysis of the Planning Permission

7. The definition of what is to be delivered by the applicant is stated within the seven diagrams that comprise Condition 4 of the Detailed permission; seven further diagrams of Condition 6 apply to the Outline permission. The diagrams that define the Planning Permission are exactly those submitted within the original Planning Application in Aug 2017. While each of those diagrams is labelled “*Do not scale this drawing. Use figured dimensions in all cases*”, any apparent uncertainty can be resolved for the Detailed part by examining the Design & Access Statement section 4.2 Development Proposals (X4), as was submitted in the 2017 application.
8. First we see conformance with the Environment Agency requirements, shown under the heading ‘*Key Principles*’, that all developments are to be set back at least 12 metres from the seawall. The Environment Agency also requires (CD51) that a replacement secondary sea wall of height 1 metre needs to be constructed 11 metres from the sea wall.
9. We also see in the third bullet of the Key Principles (X4) that:
“*The eastern development zone is to be at least 25m from the northern red line boundary to allow for a set back from the Royal Military Canal.*”
That ‘northern red line’ is the boundary for the overall development site which is at the southern edge of the towpath, approximately 5m from the canal. The ‘*eastern development zone*’ refers to the leisure centre building which is therefore designed to be at least **30m** from the Royal Military Canal according to the planning application.
The Condition 4 plans show the road is directly adjacent to, and north of, the leisure centre building, separated by a single walkway/pavement. According to table 5.1 in the *Design & Access Statement, Section 5 Design Code* of Condition 6, the width of the new carriageway is 6.75m (i.e. 0.75 less than the existing road) and will have a 1.8m footway to its south, giving a total width of 8.55m. Even with an allowance for a crash barrier (not identified by applicant) this means that the Detailed Consent provides for the road to be **20m** from the canal, including 5m for the towpath. Note that the Detailed Application Boundary is clearly marked on the *Proposed Location Plan (150-01)* by the red line that runs along the north side of the re-aligned road. That therefore equates to the Detailed Permission Boundary
Those figures are consistent with the EA’s understanding of the planning application proposal and match the applicant’s advice as to what was said to be deliverable. Two letters from the EA are relevant and need to be examined; the second of which makes a concession after discussions with

the applicant and taking into account his additional information as to what he is able to achieve.

10. In their 16 Nov 2017 letter (CD51), under the heading *Fisheries, Biodiversity and Geomorphology*, the EA required that a condition be included in which a buffer zone of at least 25 metres from the Royal Military Canal is to be provided and managed to protect the ecology alongside the main watercourse. They specifically require a condition that states “... *the buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping*”. That means the road should not encroach into the 25m ecology buffer zone.
11. EA's follow up letter of 10 Apr 2018 (CD52), accepts that in places the road will need to encroach into that zone but that 20 metres is achievable. In recognition of this the EA issued a revised condition for which the salient text reads:

*“No development shall take place until a scheme for the provision and management of a buffer zone of at least 25 metres wide, where achievable, alongside the Royal Military Canal has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the agreed scheme and any subsequent amendments shall be carried out in agreement with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:
plans showing the extent and layout of the buffer zone including details of where a reduced width of only 20 metres is only achievable.....”*

12. Importantly the Environment Agency, in their statutory role in environmental protection and enhancement, state sound reasons why this condition is essential, pointing out conformance with the provision of NPPF para 109. It is clear that they expect a zone of width at least 25 metres to be provided for the majority of the site but, in agreed locations, a concession to 20 metres is the minimum acceptable.
13. This is consistent with the Detailed Consent on the basis that any structure, including a road, that is built to the north of the Detailed Permission Boundary would breach both the Detailed Consent and the EA's 20m concession. (Note that the Environment Agency's condition, para 10 above, has been omitted from the Planning Conditions).

Implications for the existing highway

14. Measurements taken spanning the existing highway and promenade yield the following widths in metres:

	Width	Distance from seawall
Promenade	6.0	6.0
Secondary seawall & kerb	0.5	6.5
Road	7.5	14.0
Pavement	1.8	15.8

15. Removal of the road and secondary seawall creates the need for the 12 metre stand-off from the main seawall. The applicant is consequently permitted to use only **2.0 metres** of the 7.5 metres road for the building. In addition 1 metre of the road will be forfeited to provide for a gap to a new secondary sea wall, rendering 4.5 metres of the existing road useless.
16. The widened promenade has been created from this unused 4.5 metres of road width; questionably it is claimed that it provides a community benefit. The vast majority of users, who are much better placed to determine what is a realistic benefit, consider retention of the existing highway to be far more beneficial.
17. Although the pinch point occurs only in the vicinity of the leisure centre, the community are being required to forfeit the full width of the existing road, plus pavement, over nearly 1 km – causing a disproportionate level of inconvenience to users due to the lack of the amenity as a coastal drive with its near-beach parking, especially for the disabled and fishermen.
18. It can be seen from the overall plans therefore that, if the Princes Parade road remains in situ, there is ample space to move the leisure centre by a relatively trivial 3.8 metres (2m plus 1.8m walkway) which places the leisure centre 26.2 metres from the Royal Military Canal. That more than meets the EA's stated requirement for a 25m ecological buffer zone and is a 6 metres improvement over what is required by the Planning Permission.
19. The above rearrangement provides for the whole leisure centre development to be undertaken within the confines of the Detailed Permission Boundary and does so while retaining the Princes Parade highway untouched.
20. Further, additional space will be created across the whole site if the existing road remains in situ, giving ample scope for providing access from that road to the proposed residential and commercial buildings, which are designated in Outline.

Impact of design Fluidity arising from road diversion

21. It is important to recognise that this project is complex technically and programmatically, with difficulties and uncertainties gradually being exposed that impact on the design. That is reflected in the hybrid nature of the planning application. The design upon which the Planning Permission is based therefore remains fluid and in some instances design changes have arisen specifically because of the decision to relocate the road, with detrimental knock-on impacts elsewhere. It is appropriate to draw attention to two such critical changes that stem specifically from the relocation of the road, but which were neither drawn to the attention of the planning decision meeting (X1) nor recognised in the Planning Permission plans:
22. The placement of the new highway at the north of the site leads directly to the need for a surface water drainage scheme that currently, and at the time of granting consent, relies on a large attenuation pond to hold that water prior to it being drained into the Royal Military Canal in a controlled manner. That pond has two major disadvantages:
 - a. Sitting in the centre of the new western parkland, this large (more than 1 acre) pond eliminates the largest area of green open leisure space claimed by the applicant as being a major benefit of the development. The pond is not however shown on any of the plans of Conditions 4 or 6.
 - b. Without realising that the pond is needed specifically to drain water from the new road, Historic England responded on 19 June 2019 (X8) to the consultation undertaken immediately prior to the grant of consent. They specifically enhanced their previously disregarded objections by drawing attention to the increased level of harm that arises from the introduction of the pond.
23. A further change arising from the road diversion has arisen since the planning application was submitted. Tibbalds Land use parameter plan CA001a, dated 17 May 2018, (X3) shows that the proposed width of the ecology buffer zone falls dramatically short of the EA's 20 metre ecological buffer zone concession. That requirement is breached over a 350 metres length of the canal. At the eastern end of the development the road is shown to be a mere 13.19 metres from the canal, with an average of 16 metres measured over the whole eastern section.
24. This reveals that the applicant's intentions fail to conform to the Planning Permission because the development extends outside of the confines of the Detailed Permission Boundary; this is marked in red as the Application Boundary in plan 150-01 of Condition 4.

Conclusions

25. The applicant chose to submit a planning application that positions the leisure centre building on an area that occupies a mere 2 metres on a short width of the existing highway. In doing this the implementation requires the whole length of the existing highway, including the pavement, to be removed from public use over a distance of nearly 1km.
26. It has been shown in this paper that an alternative layout could enable the objectives of the development to be met while leaving the existing road in situ. This would involve a minor shift of the leisure centre building, by no more than 3.8m. That revised layout would remain within the confines of the red line Detail Permission Boundary, while leaving ample space to meet the EA's ecology 25m buffer zone requirements in full.
27. We find however that any scheme that removes the leisure centre building from its exact position that encroaches onto the road, illogically falls foul of Condition 4 and so is not permitted under the Detailed Planning Permission. That lack of flexibility leaves absolutely no scope for moving the building even a little further from the beach, no matter how advantageous that might be.
28. While it would have been possible and more logical for the applicant to submit a similar scheme with greater flexibility, he chose instead to apply for a controversial and **rigid development scheme**. He therefore now needs to abide by the issued Planning Permission with the lack of design flexibility that the council themselves have created.
29. As shown in the applicant's own data (X3) and my para 24 his proposed development intentions extend well outside of the Detailed Permission Boundary set in Condition 4. **The development therefore fails to conform to the Planning Permission.**
30. Under s247, the Planning Permission is required to be both **valid** and **relevant**. The Planning Permission (18 Jul 2019) post-dates the *Land use parameter plan CA001a (X3)* dated 17 May 2018. It was issued by the applicant's own local planning authority in respect of an application for a development that was at the time, and still is, not in accordance with the Planning Permission.
31. In principle the applicant could perhaps attempt to amend his current intentions with a view to adhering to Condition 4. However it is extremely unlikely that he will be able to achieve this because the deficiency is large and the fluidity in the overall design is extensive.
32. The applicant's own *Land use parameter plan CA001a* is now more than 3 years old. He has had sufficient knowledge and time to find a solution to the buffer zone width problem and issue a revised parameter plan. There is no evidence of an update to that document to address this issue, from which it can only be concluded that the problem is permanently

irretrievable. Logically a recommendation as to whether to stop-up the highway can only be taken on the basis of the information currently available, which points firmly to the conclusion that the Planning Permission is **not relevant** to this development.

33. In addition there are many de-merits to the proposal to stop-up and divert the highway that are not within the scope of this paper.

34. While there is no doubt that the Planning Permission is 'valid' it is however '**not relevant**' to the development because the latter does not conform to the Detailed Planning Permission and, further, it is extremely unlikely that it could be modified to do so.

35. The application for the stopping-up and diversion order should not therefore be approved.

Geoff Burrell

4 Oct 2019

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Appendix X1 - X8

CONFERENCE TRANSCRIPT

In attendance at conference on: 16th August 2018

Councillors Clive Goddard (Chairman), Miss Susie Govett, Len Laws, Michael Lyons, Philip Martin, David Owen (in place of Alan Ewart-James), Dick Pascoe, Paul Peacock, Damon Robinson and Roger Wilkins (Vice-Chair)

Robert Allan (Development Management Team Leader), Kate Clark (Committee Services Officer), Chris Lewis (Planning Advisor), Lisette Patching (Development Management Manager), Tony Jenson (KCC Highways and Transportation)

Speaker	Transcription	Para
Chairman	This meeting will be webcast live to the Internet. For those who do not wish to be recorded or filmed you need to leave the chamber. For Members and Officers speaking at the meeting this is important and microphones are used, so viewers on the webcast and others in the room may hear you. Would anyone with a mobile phone please turn this off as it can affect the audio systems and be disruptive? Thank you. Item 1 on the agenda is apologies for absence. Ms Clark.	1.
Kate Clark	Thank you, Chairman. We have apologies this evening from Councillor Alan Ewart-James and his substitute is Councillor David Owen, apologies from Councillor Mrs Jenny Hollingsbee and the substitute is Mrs Claire Jeffrey who – we are awaiting her arrival. And then apologies from Councillor Russell Tillson.	2.
Chairman	Thank you, Ms Clark. Item 2, declarations of interest, Councillors. Councillor Pascoe.	3.
Cllr Pascoe	Thank you, Chairman. Although I am currently a member of the Cabinet here I was not a member of the Cabinet when the decision to proceed with Princes Parade was made. I have not pre-determined this matter and will be considering this matter with an open mind and on its planning merits. I've had consultation with our legal team and they are happy for me to take part in this debate.	4.
Chairman	Thank you, Councillor Pascoe. Councillor Martin.	5.
Cllr Martin	In relation to the Princes Parade application under discussion today I was a member of the Cabinet when this matter was before the Cabinet last year for consideration. I am no longer a member of the Cabinet and have had no involvement with this project. I come to this meeting with an open mind and I will be considering this matter solely on its planning merits.	6.
Chairman	Thank you, Councillor Martin. Councillor Owen.	7.
Cllr Owen	Thank you, Chairman. A voluntary announcement. I am the ward member for the area involved. Thank you.	8.
Chairman	Thank you, Councillor Owen. Any other Councillors? Moving on, Councillors, item 3, the minutes of the last meeting. Are they agreed?	9.
All	Agreed.	10.

Chairman	Item 4, Councillors, the minutes of the licensing sub-committee on 23 rd July. Are those minutes agreed?	11.
All	Agreed.	12.
Chairman	Thank you. Thank you, Councillors. We're moving on to the main business of the evening. Y171042SH, Princes Parade Promenade, Princes Parade, Hythe. And before we go to the presentation Mr Allan is going to take us through, Ms Patching has got a statement to read.	13.
Lisette Patching	<p>Thank you, Chairman. Members will be aware that most of the recent representations that have been made regarding this application have been in relation to the viability cost appraisal report that was submitted by the applicants. Members may find it useful if before Mr Allan presents the scheme to you I explain why Officers requested the viability cost appraisal and its relevance in the context of the application and material planning considerations that need to be assessed in reaching a decision on the application. As Members know, planning decisions have to be taken with regard to Local Development Plan policies, the National Planning Policy Framework and Planning Practice Guidance. Viability is only usually a material planning consideration if the developer is seeking to reduce the financial contributions or level of affordable housing required by the planning authority in order to mitigate the development. That is not the case in this application as the full level of affordable housing and required contributions have been agreed by the applicant. Where a viability appraisal is provided the Planning Policy Framework says that the weight to be given to it is a matter for the decision maker, in this case the Planning and Licensing Committee. The viability cost appraisal with this application was requested by Officers due to concerns raised by Historic England over the impact of the development on the setting of the Royal Military Canal. One of their concerns was that they did not consider it had been adequately demonstrated by the applicant that the leisure centre could only be delivered at Princes Parade, because if it was built elsewhere, for example, at Nickolls Quarry this would avoid harm being caused to the Royal Military Canal. This was the only reason that the viability cost appraisal was required by officers. Whether or not the scheme is viable in itself is not a relevant planning consideration in this application because, as I have explained, that is only relevant if the developer does not agree to provide the required level of affordable housing and contributions. The appraisal submitted with this application looks at the costs of building the leisure centre on both Nickolls Quarry and Princes Parade. Representations received have disagreed with the appraisal for a number of reasons and alternative appraisals have been submitted by local residents reaching different conclusions. It is important for Members to appreciate that the purpose of the financial appraisal is only to identify whether or not the leisure centre could reasonably be delivered on another site due to the concerns raised by Historic England. The Committee can grant planning permission if, having weighed up all the material planning considerations, it considers that the public benefits of the scheme outweigh the impact on the Royal Military Canal irrespective of which of the two sites might in indifferent appraisals be shown to be more or less expensive to construct. It is also important to differentiate</p>	14.

	<p>between the material planning considerations relevant to this application and the full business case which is a separate matter outside of the planning process. If planning permission is granted for the development then a business case will be presented to the Council's Cabinet in due course for Councillors to decide whether the scheme proceeds. The Planning and Licensing Committee needs to make a decision on whether or not it is appropriate to build the leisure centre and housing on Princes Parade based on a wide range of material planning considerations which are set out in detail in the Officers' report which Mr Allan will summarise for you now in his presentation. Thank you, Chairman.</p>	
Chairman	<p>Thank you, Ms Patching, for that very informative statement. Mr Allan.</p>	15.
Robert Allan	<p>Thank you very much, Mr Chairman. Before I start my presentation I have some verbal updates to make on items received subsequent to the supplementary sheets being prepared. An email was received from Lesley Whybrow expressing concern that the supplementary sheets do not properly explain Save Princes Parade's comment on the financial viability calculation and give the impression that the Betteridge and Milsom rebuttal relates to their points as well. In response to this Mr Martin's comments and Martin Arnold [00:07:56] report was submitted on behalf of Save Princes Parade. The comments Lesley Whybrow refers to are that the Council's consultants have cobbled together numbers from two different reports which have been prepared on different bases using different assumptions. Because of this they have failed to take account of all the exceptional costs that apply to phase 3 and 4 of the development. Had they taken account of these, it would show the costs to the Council of building the leisure centre on Princes Parade would be more than 2 million. A further email has been received from Mr Martin making comments on Betteridge and Milsom's rebuttal of his original comments on the financial appraisal. An email was also received from Dr Burrell accompanying a detailed analysis of his perceived flaws in Betteridge and Milsom's calculations. Comments were also received from Southern Water, confirming their previous comments are still valid, and there was an objection received from a local resident on the grounds that the destruction of the beautiful parts of this canal amounts to vandalism, 150 houses for the privileged few will not ease local housing issues and that the beauty and tranquil nature of the area is unique. The application site is located immediately south of the Royal Military Canal which is a scheduled monument and a local wildlife site. Beyond the Royal Military Canal to the north is the residential area of Seabrook focussed along the A259 and to the south of the application site is Princes Parade, the sea wall promenade and the beach. To the west is the Hythe Imperial golf course and Hotel Imperial with the recent residential development to the rear. To the east is the recently completed block of apartments, Olivia Court, with a petrol filling station and restaurant beyond. At the eastern end of the site is a small visitors' car park, children's play area and temporary accommodation for the Seabrook Canoe Centre. Public Bridleway HB83 runs along the northern extent of the application boundary on</p>	16.

the southern side of the Royal Military Canal with the National Cycle Route 2 bridleway along the southern edge on the existing promenade. The majority of the application site is currently covered in scrub vegetation and is relatively flat, although the former use as a waste disposal site and the past dredging of the canal have raised the ground level by approximately 3.5m above the adjacent canal and golf course and has resulted in widespread ground contamination. The main promenade and road sit at approximately 6.8m above ordnance datum unit and the site ranges between 6.5m and 8.0m above this level also. The site drops sharply along the northern boundary, forming a vegetated slope where it meets the canal tow path. The site overall covers just over 10 hectares of land and owned by the applicant, Folkestone and Hythe District Council. The proposal is a hybrid planning application comprising a detailed planning application for the erection of a leisure centre with associated parking infrastructure, open space, landscaping and children's play facility indicated within this dotted line on the map, together with an outline application with all matters reserved for future consideration for up to 150 residential dwellings, a hotel, retail and/or restaurant and cafe uses with hard and soft landscaped open spaces including children's play facilities, surface parking for vehicles and bicycles, alterations to the existing vehicular and pedestrian access and highway layout within the site, site levelling and ground works and all necessary supporting infrastructure and services. The leisure centre is proposed to be a two storey building to the seaward south – sorry, let me start again. The leisure centre is proposed to be a two storey building to the seaward aspect with a cantilevered first floor element, angle splayed on all four sides and containing the dry facilities of the fitness suite and studios, dry change area and spectator seating. The ground floor will contain the wet functions, the pools and changing area, along with the cafe, reception, plant and stores. The pool hall on the northern aspect is proposed to be single storey with a sloped green roof reducing in height towards the canal. At its highest point the leisure centre would be 8.5m above the external finished floor level. The ground floor of the two storey element would be finished with stone filled gabions whilst the first floor would be clad with timber. The single storey pool hall would be predominantly glazed with anodised aluminium soffits and a green roof, as previously mentioned. The detailed scheme for the leisure centre is a 25m, 6 lane swimming pool, seating for approximately 100 spectators, a 12m by 4 lane teaching pool, a 100 station fitness suite, dance and exercise studios, wet and dry changing facilities, cafe, reception, kitchen and staff facilities and storage and also landscaped external areas including a play space. This slide shows the ground floor of the leisure centre with the pool at the top of the – the two pools at the top of the screen and the changing areas, cafe facilities, etc. on the right and the lower half of the screen. This slide shows the upper floor of the front part of the development – of the leisure centre with the fitness suite and the dance and exercise studios as well as the spectator gallery which looks out over the swimming pools. The main entrance would be located on the eastern facade giving access onto an area of public realm here with a re-provided play area and via a

	<p>set of steps the promenade to the south. This would be adjoined further to the east by parking for 62 cars with parking for a further 69 cars together with access for servicing located to the west, which gives a total of 108 spaces for the new leisure centre seven of which are disabled parking bays and also 23 spaces for the replacement of the existing public car park which currently has 2 disabled bays. A drop-off coach bay is also proposed adjacent to the western car park accessed directly from the proposed realigned road. In this illustrative image of the leisure centre hard – you can see hard landscaping which would run from the development of concrete entrance steps with stainless steel nosing and handrails, timber post retaining wall with stainless steel guard rail, timber seating, gabion and timber wind breaks which provide shelter for tree and shrub planting, gabion walling with stainless steel guardrail, a resin bound gravel surface with cobble trims and margins, resin bonded gravel surface and cobble trims in the car park and also rock bollards. For soft landscaping a range of trees and shrubs suitable for a coastal location are proposed with the final location and species mix to be agreed via condition should planning permission be granted. Turning to the outline proposal, the illustrative master plan shows that the scheme is broadly split into an eastern and western development zone. There will be approximately 4.92 hectares of public open space proposed for the application site with almost half of the site being retained as open space. This would comprise an informal space at the western end potentially containing a strategic play space of at least 1,020m² with the re-provision of the 275m² of existing play space at the eastern end which would replace the existing play park. A central open space which would link to the existing footbridge connecting to the Seabrook Road, a linear open space running along the northern edge of the site and connecting the two larger spaces, a hard landscaped space east of the proposed leisure centre which will host the relocated existing children’s play area and the promenade to the south which will be approximately a kilometre of widened public promenade for walking, running, cycling and sitting. The proposal also involves the realignment of Princes Parade highway from its current position adjacent to the promenade to the northern boundary of the site adjacent to the Royal Military Canal for part of its length. It is intended that the speed limit will be reduced from 40 mph to 30 mph and the road traffic calmed. The proposed development and the Royal Military Canal sluice valve will be accessed from the realigned road. On the slide in front of you you can see the grey line indicates where the road is proposed to be aligned to before rejoining the existing route along the southern side of the boundary. I now hand over to Tony Jenson of Kent Highways and Transportation who will talk about the highways aspect of the scheme.</p>	
<p>Tony Jenson</p>	<p>Thank you, Mr Allan. The application came to KCC Highways for pre-application advice prior to the proposal being put forward for planning. At that stage they made their aspirations clear in that shifting the road behind the application site would make a more attractive development frontage with the seaward side but also a widened and improved public realm based around the large</p>	<p>17.</p>

	<p>promenade. Now it's important to remember that although roads have a very clear space in place making the primary purpose of the public highway is to transport people and goods, so with that in mind subject to a satisfactory layout for the new road, we were open to the idea of relocating Princes Parade behind the proposal site. Now it's important to remember there's no right to park on a public highway. In many places we benefit from having a highway large enough to do so, however, in recognising the importance of Princes Parade in providing access to the beach for both locals and for tourists, at that early stage we made it clear that we would like the applicant to reproduce the same quantum of parking on the new road alignment or very nearby so that no parking for the beach facilities was lost. In terms of additional traffic generated by the proposal, although I'm acutely aware that no additional traffic is welcomed anywhere, the promotion of the site for residential 150 units and the commercial and the leisure none of those elements combined lead to any of the local junctions being overloaded to a point where we would have to recommend refusal. It's clear that with the proposal's aims there will be a significant increase in pedestrians and cyclists in the vicinity, so with this in mind it did seem appropriate to relocate the road behind the application site. It's also important to remember that there is a cycle route linking Folkestone Harbour all the way through to Princes Parade and it's also Kent County Council's future aspiration with extension to the Cinque Port cycle route to extend this beyond Dymchurch in the future. I'm aware that some objectors have had concerns about traffic of the existing users of Princes Parade diverting onto the A259. All I've got to say on that is it is an A road, that is where the bulk of the traffic should be, in essence, if there is additional queuing on the A259 I would rather the queuing be on our A road network than on minor side roads, so for example with Twiss Road and Stade Street to the west which are still used as part of the cut-through traffic today. In terms of the layout proposal you can see on the slide above you the new layout is completely different to the dead straight old road. We've got a series of bends at either end. There are three raised table areas which are traffic calming features and we've also got two kerb build-outs which have got signed one-way working for traffic, so all in all it's a much slower environment traffic. As Mr Allan said, the posted speed limit is going to be reduced from 40 to 30, however, in the vicinity of the bends and the raised tables it's far more likely to be in the region of the high teens to 20s. I should say at this point, although some elements are outline, all of the proposed accesses onto the new road have sufficient visibility, all of the parking provision is deemed acceptable and as I said the new road proposal would be a far slower environment for all traffic. So if you consider we would have increased pedestrian movement from the seafront across to the canal through new public open spaces, that's also a safety gain from my point of view. Now I completely acknowledge that in terms of my remit I'm only looking at highway safety and capacity. There is far more for you to consider, but in the view of the Highway Authorities the proposals are acceptable.</p>	
Robert Allan	Thank you very much, Mr Jenson. Continuing with the outline element of the site, up to 150 homes – new homes are proposed of which	18.

30% are to be affordable. It's expected that apartments will make up a large proportion of the new homes on the eastern part of the site with predominantly terraced and semidetached houses on the western part, although the final housing mix will be the subject of reserved matters submissions. The – if I may skip to that slide, the 1,270m² of commercial uses are envisaged as being accommodated within a single building overlooking the central open space in the form of a ground floor restaurant, cafe and shops with a small boutique hotel on the upper floors although, again, this would be the subject of a subsequent reserved matters submission. At the western end of the site 103 parking spaces are proposed for beach access with 32 formal on-street parking bays and 71 in a car park south of the western open space. Parameter plans together with the illustrative master plan and the design code that have been submitted within the planning, design and access statement set out the key overarching principles to be adhered to as the detailed proposals are developed as reserved matters applications. Each Reserved Matter should set out how they have responded to each of the requirements of this document at each level of detail within it. This slide shows the eastern end adjacent to the leisure centre with the car park here, how the development is largely more, as previously mentioned, more apartments, graduating in height down towards the north of the site towards the canal, whilst this slide shows the western end of the proposed development, again showing the diminishing density of the proposal, introducing individual houses away from the villas and the more prominent block facing the central open space previously mentioned, the commercial unit. The planning application has also been accompanied by storey heights parameters in the planning, design and access statement. All the buildings will have a finished floor level of 7.8m above ordnance datum with the taller buildings, three to four storeys, proposed at the southern edge of the development and predominantly in the eastern development zone facing onto the promenade, as just mentioned. The commercial building facing the central open space is proposed to be a maximum of four storeys providing a landmark structure at the important corner point of the site. Within the western development zone buildings will be a maximum of 2.5 storeys with a limited amount of three storey buildings facing onto the promenade. This arrangement results in a diminishing height moving westward toward the open space, allowing the western open space to link to the existing golf course, maximising the gap between the development area and the remainder of the site and ensuring a visual break is maintained along the coastline between Hythe and Seabrook. The main considerations in the determination of this application are the acceptability of the principle of development in this location, the impact upon designated heritage assets, in particular the Royal Military Canal scheduled monument, the visual impact of the development on the landscape, amenities of local residents, ecological considerations, flood risk, highways and transportation matters. The application demonstrates that matters relating to land use, design, open space, ecology, highways and transportation and lighting are acceptable when considered against policy and can be appropriately mitigated by conditions as set out in

the report. In respect of the impact upon the designated heritage asset in this case the harm caused to the setting of the scheduled monument relates to the understanding of the monument and the role it was built to play in the coastal defences against Napoleon. The National Planning Policy Framework is clear that great weight should be given to a designated heritage asset's conservation and that the more important the asset the greater the weight should be. The scheduled monument is of a national importance and the harm caused to its setting therefore carries significant weight in decision making. In this case the Royal Military Canal itself will not directly affected by the development proposals, but its setting will be and Historic England's main concern is that the Royal Military Canal will for most of its eastern end be reduced to a linear monument sandwiched between developments on either side, undermining the understanding of its historic role as a fortified barrier. Whilst the site currently provides a gap between the canal and the sea, it has been subject to significant alteration including the raising of land within its former use as a public waste tip. The vegetation that has grown across the site together with the change in levels means that the relationship between the canal and the sea cannot currently be easily appreciated. Mitigation through design has been incorporated into the scheme through the proposed rerouting of the access road to maintain some separation from the heritage asset and the built development, positioning the buildings with lower heights at the northern side of the application site to reduce the impact of built form and enhanced planting to reinforce the existing planting and also provide ecological mitigation and enhancement. However, the proposed development is considered to further interrupt the historic relationship between the coastline and the Royal Military Canal as well as views of the nearby associate heritage assets. It is concluded that the proposal will cause harm to the significance of the scheduled monument. In terms of the approach within the National Planning Policy Framework the development would not result in the destruction or partial destruction of the monument nor the whole of its setting, as space and open views would still be present around it with opportunity remaining to appreciate the relationship between the canal and coast for a significant component of the application site. For these reasons officers agree with Historic England and the applicant that the harm from the development would be less than substantial. In terms of the Framework, paragraph 196 requires a balancing act to be undertaken and very substantial public benefits must be demonstrated to be delivered by proposed developments. Let me read from the screen: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal including where appropriate securing its optimum viable use. The public benefits of the proposal are set out within the report and it is considered that the development will result in significant social, economic and environmental benefits to the district. Some of the public benefits are the consolidation and repair of neglected key – sorry, the consolidation and repair of neglected but key parts of the site through vegetation clearance and stonework repair, better public

	<p>access and interpretation of the Royal Military Canal wider area, emphasising connections between the canal and the sea, delineating lines of fire and maintaining openness, a heritage trail between the Royal Military Canal, Shorncliffe Battery and Martello Towers – excuse me – interpretation boards and artwork which builds on the findings of an archaeological study, a major new leisure centre that will replace the outdated existing local facility, a substantial area of strategic open space of significantly improved quality and accessibility than the site currently provides, the remediation of the contaminated open space area which will facilitate improved accessibility to it also, an enhanced seafront promenade providing an enhanced visual environment and car-free space with improved connectivity between the public open space and the seafront achieved by the repositioning of Princes Parade Road behind the development, economic developments through the construction phase, a variety of permanent jobs created on site, contribution to the tourist economy through the creation of a destination play space, open space, promenade and leisure centre and 150 houses including 45 affordable homes. The issue for the Council’s local planning authority decision maker is whether the changes to the setting of the Royal Military Canal scheduled ancient monument, loss of the open views across the site, the impacts on the existing ecological habitat, the rerouting of Princes Parade and the change in the character and appearance of the site are outweighed by the benefits to residents and businesses with the new purpose-built leisure centre, quality usable open space, enhanced pedestrian seafront promenade, additional housing including the affordable dwellings to meet the current – district’s current and future housing need and cleaning up and bringing back into use a contaminated underused site. It is considered by Officers that the mitigation proposed and with the required conditions and legal agreement the benefits do outweigh the harm to the setting of the scheduled ancient monument and that the balance is in favour of granting planning permission. In accordance with the National Planning Policy Framework it is considered that the proposed development constitutes sustainable development and that planning permission should be granted. Within the recommendation that has been updated on the supplementary sheets I should draw your attention to the small change to part 2 where we have said previously – it said legal agreement where now it has been changed to legal obligation. Thank you very much, Mr Chairman.</p>	
Chairman	<p>Thank you very much, Mr Allan. We have four speakers on this application. Each speaker will be given 3 minutes, after 2.5 minutes you will be given a yellow card and after 3 minutes you will be given a red card, you can finish your sentence and finish your speech. The first speaker is Mr Brian Morgan, member of the public, to speak against the application. If you’d like to come forward, Mr Morgan. Start when you are ready, sir.</p>	19.
Brian Morgan	<p>Good evening. I am speaking on behalf of Save Princes Parade. Planning law requires that you should determine a planning application in accordance with the development plan, unless material considerations indicate otherwise. The Officers’ report is muddled and not balanced. It states that the application is a significant departure</p>	20.

	<p>from your development plan and that there are no material considerations which outweigh the policies apart from one, the benefit of providing a leisure centre on Princes Parade which is meant to outweigh the policies and the harm. Why is such great weight put on the viability report when it is clear from paragraph 859 of the report that the Council doesn't know whether the scheme is viable? What is evident from the viability report is that the costs of constructing a leisure centre on Nickolls Quarry are overestimated and the costs of developing Princes Parade underestimated and there is a high risk factor. Also, the costs in the report are not final, they will change. Nickolls Quarry therefore remains a viable alternative site for a leisure centre. This application is contrary to your policies TM8 and LR9 in that the buildings and as identified by the design panel the road will damage the setting of the canal, the substantial buildings and hard surfaces will destroy the open views along the coast, and the proposal does not safeguard the open space which is allocated, it's built over. Also, it is contrary to the Council's affordable housing policy, as the affordable housing money from another site is being used to offset the cost of the Princes Parade development. In addition, this development would destroy the existing habitat on the site which forms part of the character of the canal and will, if there is flooding, be marooned, as the site is surrounded by flood zone 3. This scheme causes significant damage to the local environment. This application is contrary to the Council's policies, creates significant harm and there are no material considerations, be it the emerging Local Plan or housing need, that outweigh the development plan. On the basis of counsel's opinion that I received today to grant planning permission would be potentially unlawful. This application should be refused. There are over 700 objections from the public as well as Historic England, the Environment Agency and KCC. The first way of dealing with such a contentious issue would be for the Members to defer this application until after the Secretary of State has decided whether to allocate the site in the draft Local Plan. Thank you, Members.</p>	
Chairman	<p>Thank you, Mr Morgan. Our second speaker is Gillian Bond, member of the public, to speak in support of the application. You have three minutes, start when you are ready.</p>	21.
Gillian Bond	<p>I just want to flag up the fact that not all the residents of Hythe are against the proposed development on Princes Parade. We know that the pool is on its last legs and that the Princes Parade site is more central for most local people. Now that the financial report has been released we can see that it is cheaper to build it on Princes Parade than at Martello Lakes. We know that the east end of Princes Parade is a bleak high-speed stretch of road with a promenade that is shared by many including some speeding cyclists. We believe that a wider promenade without cars will be a more user-friendly space, especially when linked by a corridor to parking elsewhere. We know that the lack of facilities along that stretch is not making best use of the amenity that is our seafront. We believe that the traditional greenery, cafes, etc. will be much more welcoming. We know that this area of Kent is short of houses and this has resulted in their cost making them too expensive for many local people. We believe that the</p>	22.

	<p>additional 150 new dwellings of which some 30% are planned to be affordable can only be a good thing. We know that the Military Canal is a site of national importance and needs protection. We believe that the Council's aim of improving access to it and provide interpretation of this stretch of the canal will enhance its enjoyment. We know that a development of this site is better with access straight onto the beach, so we believe that rerouting the road to the north is a sensible thing to do, as it also provide access to parking without detracting from the beach. We know that the current site is inaccessible to people so that we believe the addition of several parks provides access to at least some part of this unused open space. We know that the site is contaminated to some degree but we believe that the Council will use to correct technologies to ameliorate this before the houses and pool are built. In short, we are looking ahead with a positive view to an enhanced seafront facility that can only be good for the future of Hythe and the whole area.</p>	
Chairman	<p>Thank you, Gillian Bond. The next speaker is Councillor Ewart-James, Ward Member, to speak on the application. You have three minutes, Councillor, start when you are ready.</p>	23.
Cllr Ewart-James	<p>Well, Councillors, the time has come at last when you, the Planning Committee, decide the fate of the Hythe swimming pool. This has been a long time coming. Well before I became a councillor back in the 1990s Hythe was promised a new swimming pool and it was proposed to be built on the South Road recreation ground. Since then other sites have been explored such as the present swimming pool site, Martello Lakes and the Green, but all of these have failed for various reasons, leaving Princes Parade as the only game in town. To financially enable the swimming pool and associated leisure centre to be built this application covers outline permission for housing. New housing is vital for our area. House prices in Hythe are astronomically high which means young families struggle hard to be able to afford to live in the town. House prices are governed by supply and demand and the value of a house is only the price that someone is prepared to pay for it. Over the recent years, demand for housing has increased exponentially due to our geographical location close to Europe and the resulting building of the M20, the Channel Tunnel and a high-speed rail link. Yes, there will be some high-end housing, but you will see from the application that the Council's target of 30% affordable houses will be met. These will be a mixture of affordable rent and shared equity which will enable young people to be able to buy a house of their own. I as a Cabinet Member for Housing, but more importantly the Cabinet as a whole are committed that these will be delivered. We as a Council have a duty to encourage and facilitate the younger generation to our area in order to make our community sustainable in the long term, but we also need housing for those who rely on the Council to provide them as evidenced by the 1000+ waiting on the housing list. I recognise that this application is controversial and acknowledge it has warts, but these warts the people of Hythe can live with. We know that there is a well organised group totally opposed to the idea of building a swimming pool on Princes Parade which is mainly run by those that live in close proximity of the site and so don't want the vistas to be impaired. This</p>	24.

	<p>report informs you that over 700 written representations objecting to this application were received. There have been over 170 received in support which belies the claim that everybody is against it. Having spoken to many people in the town on various occasions and also when canvassing over the years across all the wards I have come across quite strong support for this project. More importantly, the elected Members making up the Hythe Town Council voted to support this application. I therefore urge the Committee to see the long term benefits to Hythe, save our swimming pool and therefore please endorse the Officer recommendation to grant planning permission.</p>	
Chairman	<p>Thank you, Councillor Ewart-James. The last speaker is Sue Rowlands, the applicant's agent, to speak on the application. You have three minutes, start when you're ready.</p>	25.
Sue Rowlands	<p>Thanks very much. I'd like to say a few words in support of the planning application that's before you this evening. It represents the culmination of over two years work by the applicant team carried out in consultation with Council officers, statutory consultees and the local community. The proposals seek to transform an underused and contaminated former landfill site into a new seafront leisure destination and mixed use community which will complement and enhance the neighbourhood of Seabrook. From the outset the primary objective of the project has been to deliver a new leisure centre to replace the obsolete Hythe swimming pool and provide new facilities such as a gym and studios. Based on two detailed studies of potential locations the Council concluded that the Princes Parade site is the most appropriate and cost effective location for the new leisure centre. The considerable challenge of funding the new centre can only be achieved through a combination of funding sources and these include a capital receipt from the sale of the Hythe pool site, section 106 contributions from the Nickolls Quarry development and the sale of the remainder of the application site for housing. Based on this brief the applicant team developed proposals which carefully introduce new development onto the site and address all of the technical issues that you have heard from the Officers' report this evening, particularly relating to flooding, drainage and contamination. Clearly one of the most critical issues is the Royal Military Canal and the relationship to that and we have designed the scheme to avoid and otherwise minimise harm to the Royal Military Canal by setting the development back from the canal, limiting building heights to two to four storeys and retaining large areas of open space to maintain the open setting for a large part of the site. As the Officers have reported, we acknowledge that the proposals will have an impact on the setting of the canal but not the canal itself, but it is important to note that that setting has already been compromised by the historic landfill on the site and the raising of the levels and as a result we need to consider the impact on the canal in the context of the National Planning Policy Framework as has already been outlined for you. And the key considerations are what other public benefits the scheme will bring that weigh up against that harm and these are many and include the delivery of the new leisure centre, the delivery of public open space, the creation of a kilometre front – kilometre long vehicle free promenade for the enjoyment of residents and</p>	26.

	visitors along with housing, including affordable housing. The applicant strongly believes that these considerable public benefits clearly and decisively outweigh the impact that the proposals will have on the setting of the Royal Military Canal and respectfully asks that you grant planning permission this evening. Thank you.	
Chairman	Thank you, Ms Rowlands. Councillor Pascoe, please.	27.
Cllr Pascoe	Thank you, Chairman. Without a doubt this is going to be a difficult decision for us this evening because so many people have objected and so many have been in favour of it. I'd like to bring it in context a little bit. First of all, I'd like to say that I've been inundated with emails objecting to this application. I must have received at least 20, most of them being the copy and paste type, reading almost word for word. Some do claim to have expertise and assumed that our advisors don't and also I've received several emails in favour of this application. I anticipated this evening that the gallery will be full of those objectors and I'm delighted to see that it's a mixture, that we have a balance of views in the gallery. Most of the objectors seem to forget that the site was a rubbish tip and for many, many years it was filled up with rubbish from this area. Later on they started dredging the canal and the dredgings were piled up and then vegetation ran wild. I've canoed the canal many, many times and I go fishing there on a regular basis. Hythe Town Council we hear support this application, Sandgate Parish Council object that the development would cause serious and unjustified harm to the Royal Military Canal. I would like to bring you all to paragraphs 9, 6 and 7 in the report. Given the reasons for the proposal and the great weight that should be given to heritage asset conservation, it is considered that the development will result in less than substantial harm and this harm has to be weighed against any public benefits that arise from the development. It also says, and I've highlighted this, it is considered that the development will result in significant social, economic and environmental benefits to the district. I think this is so important. Historic England and KCC Archaeology have commented but I refer you to the previous paragraphs I've read. The Ecology, they have assessed it as a former landfill site. I think we knew that already. It also refers to wintering birds and reptiles. While fishing all I've seen is rats. Lighting. Objectors claim there will a significant increase in lighting within the site. I'm absolutely certain our Officers will find easy ways to condition that. Thank you, Chairman. I'd like to come back later if I may.	28.
Chairman	Thank you, Councillor Pascoe. Councillor Govett.	29.
Cllr Govett	Thank you, Chairman. Before we get started, given the nature of this application, the fact that we are the applicant and we have a current and ex-cabinet member on the Committee, I'm sure my colleagues will support me in requesting a recorded vote, so I seek a seconder for that please.	30.
Chairman	Seconded Councillor Laws or Councillor Robinson? Councillor Laws? Okay, all in favour for the recorded vote please show. Okay, it'll be a recorded vote. Thank you.	31.
Cllr Govett	Thank you.	32.

Chairman	Would you like to continue, Councillor Govett?	33.
Cllr Govett	No, I'll sit back for now, thank you.	34.
Chairman	Excellent. Thank you. Any other Councillor wishing to speak? Councillor Lyons.	35.
Cllr Lyons	<p>Thank you, Chairman. Having read this report till the early hours in the morning over quite a few days to absorb all the problems, first of all, I'd like to get this off my chest, Chairman. May I thank the people who have actually emailed me either for or against? I haven't responded because of other commitments. I do appreciate the time and effort they put into doing it. What I do find rather strange is that letters arrived. Unfortunately, I couldn't respond to them because there was no address or even a signature, anonymous letters, and quite honestly some of them quite threatening but that's another issue I'm taking up with somebody else. Also, the dead crow that was left on my doorstep. Whether it was left because they wanted me to resuscitate it or they thought I was an embalmer I've got no idea, but it was buried, Chairman, with due respect and a few words said over it, so it's probably flying up in the galaxy somewhere. When people over the years, and I've been involved in the health service all my life and dealt with many, many problems, when people actually put things together which has no meaning at all, just to get themselves in the press or whatever you want to do, I find it rather sad, very sad lives, but is encouraging this evening that people in the gallery support this. Now I don't know social media, never have done it, never will do, it's rather in my opinion a rather dangerous game when you look at it. They sell _____ [00:50:23] off to other people, but that's another issue. What I do do though, Chairman, is write letters, I meet people in various areas and I use phone calls. The old-fashioned way of writing letters is rather nice, because basically people write to you and it won't go anywhere else, whereas emails of course are public domain and people are rather nervous about putting their own real thoughts. So I've many thanks for that, and so far all the correspondence I've got, it was 3:1 originally but it's now 4:1 for it and it's not people in Hythe, they are people in the district. And somebody wrote to me and sent me a photograph the other day, I'm sure Councillor Pascoe would appreciate it as I would, a lovely photograph of the canal, as we all got it, probably got a calendar as well, a rather splendid calendar I hasten to add, of the canal. Now, we're not talking about the canal, we're not even trying to convert the canal, it's purely and simply a rubbish tip. I just walked down the other day, Chairman, and I was walking on minding my own business, and I was looking at the hotel on the golf course and whatever you would – if you put rose tinted spectacles on, Chairman, you can't make anything but a tip, a rubbish tip. An open space I was told. An open space to do what? You can't walk on it. You can't have any picnics with it. You could do nothing at all. It is a dangerous – it's an area that I know too well. People have – actually talking about it, Chairman, I have noticed when I went round there that some irresponsible people have actually taken down the warning signs, do not enter, very responsible and very foolhardy. There's probably a reason behind it. Probably somebody will walk in and have an</p>	36.

	<p>accident and sue the Council. Basically, they would win because basically the rate payer will pick up the tab, and I find that really quite disgraceful that people have actually gone the route and taken that away. Now the truth hurts, Chairman, doesn't it? And people barricade you and shout and cheer and so on. At the end of the day, Chairman, we go on facts. We always have done and we always will do. With this planning application and all the years I've been on this Committee, I have never known such vitriolic and unpleasantness that has been sent our way. We are elected to represent all the people, not a small minority. There are 110,000 people in this district of which 700 people have objected. There are 16,000 people in Hythe, 6,000 in Sandgate and over 40,000 in Folkestone. Now as far as I'm concerned, Chairman, we've gone through this and then again I was thinking when I went up to look at the site what Lord Wakefield would have done, would have said. Now Lord Wakefield – I know somebody _____ a bag [00:53:30] fine, have a chuckle my dear, because basically what I'm going to say I'm going to say and all your little clattering will do nothing to stop me I can assure you.</p>	
Chairman	<p>Councillor Lyons. Please can we refrain from calling out in the public, it's a meeting in public or a public meeting, so can we refrain from heckling the Councillor and let the Councillor speak. Thank you.</p>	37.
Cllr Lyons	<p>Thank you, Chairman. And I do appreciate people being passionate about this and I have a lot of sympathy and I would agree with some of the people's concerns without any question at all. But I was going to go back to what I was saying. I went up there and behind the Imperial golf course they dug all that rubbish out and had a lovely, lovely site. I looked at the rubbish tip, as I said earlier on, and thought my god, and then I looked at the road. Now for those who don't know Lord Wakefield of Wakefield oil and Castrol oil built that road at his own expense and maintained it till his demise, and then it was taken over by Hythe Borough Council and then eventually Kent County Council, eventually Kent Highways. So what that man did for the area was quite extraordinary. I now wonder what he'd be saying now. Well, likely you're going to do – you've got two options, you're going to do nothing at all and if you don't do something the government agency will. Some government department will make a decision. Now you've got a few options, haven't you really, Chairman? You either have a kiss-me-quick Margate-style development, Dreamland, or you have a good for the economy, a night-time economy, you have either nightclubs, casinos, pubs and so on or you have, as we all know we've had a lot of travellers recently in the area with a lot of damage to various town and county councils' expense around the repair, you have it converted into a travellers' rest. And travellers can come in, they're welcome, as they like. I wonder how many people would protest about that, because that would be called racially prejudiced and it is. Now the whole point is, Chairman, we have got a golden opportunity for this area, as Lord Wakefield did for this area many, many years ago, to actually put a plan together that would be beneficial for a lot of people, employment, housing and so on. Now recently on 31st July, Chairman, we actually approved a three storey house in Seabrook. And actually it was put in a lady's name because the gentleman who</p>	38.

	<p>owns the property with his wife was one of the protesters about this project. Now whether it is hypocrisy or double standards, I'm not sure which, but whatever it is, Chairman, it passed. But I proposed it, there no prejudice, there's no holding back, it was a good planning application, it went through. When I look at this application, Chairman, and don't want to keep everybody hanging around for ages, but I think it needs to be said and I'm sorry, ladies and gentlemen, but you turned up here, you will listen to what we have to say or there's a door there if you don't want to. The whole point is, Chairman, that when we go through it, and Mr Allan can I ask you a little point and that's on – I got the old copy of 21st July – on page 25 I think it is, and it's 5.3 the Sandgate Parish Council objections. At the bottom it states the application should be referred to the National Planning Casework Unit for the Secretary of State to consider. On a further page, and it's page 43 of – I hope you've got the same document as I've got because I've got the old one, not the new one, you've got a situation about the Secretary of State, and it's on – no sorry, page 52, I beg your pardon, and it's 8.8. Just a clarification, the Council has recently published the final draft (Regulation 19) for public consultation before submitting it to the Secretary of State for examination. The plan has not therefore been considered at an examination in public by an independent planning inspector working on behalf of the Secretary of State. Due to the stage the plan has reached in the adoption process policy – I won't go on because everybody can read it themselves. Can you just qualify about the Secretary of State for people in the gallery to understand when you go to the Secretary of State and when you don't? Now we know there is a big planning application coming up over the next years where you have to have the Secretary of State's input and the building inspector, it goes to them before it's proved. I just wonder if you could actually expand on the Secretary of State for everybody to understand when you go to the Secretary of State and when you don't. Thank you. And I'll come back, Chairman, if I may.</p>	
Chairman	Yes, certainly, Councillor. Ms Patching will update you on that.	39.
Lisette Patching	<p>Thank you, Chairman. I think there are two issues here in terms of the Secretary of State. One is that there is the Places and Policies Local Plan which contains policy in it about Princes Parade which has been through various stages of consultation and will be submitted to the Secretary of State for examination in public shortly, and that's what paragraph 8.8 refers to. And the report does say that given the number of objections that were received to the policy in terms of its weight with regard to this application very little weight is given to it at this stage because of the number of objections. So the application that we're considering is actually considered in relation to the adopted policies, the core strategy and the National Planning Policy Framework. The other issue with regard to the Secretary of State concerns the fact that there has been a request to the Secretary of State to call in this planning application for determination. And the way the process works is that the Committee will need to make a decision on the application and then before the Council can issue the decision we will notify the National Casework Unit and they will then make a decision as to whether or not the Council can proceed to</p>	40.

	determine the application itself or whether the Secretary of State will call the application in for determination.	
Cllr Lyons	<p>Thank you for that. I hope everyone understands that one because it's something I've known for a long time but I think other people need to understand that it is a very important part of planning law. And I think like everything else we do adopt planning law and like everything else, you know, it has changed over the years, and we've now got three books now that are updated all the time, cost me a fortune I hasten to add but there you go. You take this job seriously, very seriously, and you have to be as fair as you possibly can, as we all know. Where are we? Let's go on a bit further I think. I won't bother with all that. Page 52 if I may, Chairman, we go to the page 52 – where are we? – 8.40. The Nickolls Quarry site which I think was slightly unwisely mentioned in 2006 and 2007 as being the site for the swimming pool. Now _____ [01:01:29] made that statement, they had no costings, they had – it was just _____ out of the sky, a promise, which hasn't been fulfilled. Now we all know the reasons why, looking at this document, the reason why the Princes – the Nickolls Quarry site wasn't applied. And I think like everything else it's very clear in the document. If you read this document you understand a lot. It's been – by the way, congratulations on a masterly report, Mr Allan. It is very much appreciated, it's making it a lot clearer. I can see why it's taken a long time to actually come to this Committee. The whole possibility of the Nickolls Quarry site, as I said already, it's delivered in phases and each phase has to be raised, drained, surcharge delivered in phases and each phase has to be raised – sorry, I already said – it was for a development platform. Now it is, like everything else in planning, it's in stages. I was in the health service and the hospital is like a building site year in year out with new developments and it takes a lot of planning and a lot of time to actually do it. And I think like everything else in time, Chairman, everything's been covered, Smiths Medical, St Saviour's Hospital, Foxwood School and the Green, as Councillor Ewart-James said, everything's been looked at in great detail. And this area, if we don't do something, as I already stated, Chairman, I can't say it enough, a government department will. It's a brownfield site. Do you want to use a brownfield site or a greenfield site? Your choice. I'd rather use a brownfield site which can do nothing for anybody. You can't, as I said before, Chairman, you can't go in there, you can't – if you do, you are a fool. Now the whole point is, Chairman, we've got a golden opportunity to actually make something of this plan. If we don't, then the future generations – I mean for example where would people like – where would Rebecca Adlington be, Adam Peaty the world record holder, Ellie Simmonds the Paralympic, and Tom Daley? I know he's a diver, but he had to know how to swim. Now people don't want this swimming pool, do they? A lot of people actually don't want a swimming pool. I know Romney Marsh would love it, _____ [01:03:46] would love it, but this is the ideal site, Chairman, so as far as I'm concerned, I'd like to propose the Officer recommendation. I hope I have a seconder. Thank you, Chairman.</p>	41.
Chairman	Thank you. So Councillor Lyons is a proposer. Secunder? Do you have	42.

	a seconder, Councillor Lyons? Well, I'm quite happy to second from the chair. And our next speaker is Councillor Peacock.	
Cllr Peacock	Thank you, Mr Chairman. I shall bring a few points up and then I shall come back. Going back to one of our speakers tonight going on about houses, houses, houses, I mean when you look at – even in the report Station Road houses, St Saviour's has been allocated for houses. I had a meeting with Smiths on the Smiths – to do the Smiths site yesterday, 110 houses, Foxwood houses, Sellindge houses, I mean you might as just build houses everywhere in Hythe and be done with it. But going back to it, we know that we need a pool, that is the main objective here, the houses have just been stuck on just to say they can be, you know, paid for. Going back to a comment, Nickolls Quarry, in 2007 that was part of a planning application that was granted regarding once hundreds of houses have been built phase 3 would be the swimming pool. Now there's not much difference between phase 3 in Nickolls Quarry and when you are proposing to put this pool on Princes Parade, just one year. We've waited god knows how many years for a pool. So that I think is a bit of a red herring really. Going back to the report, Historic England objections, KCC Archaeology objections, Kent Wildlife objections, most of these come out as objecting because of the Royal Military Canal and what it would do by moving the road. The road is proposed to be within 20m, but when you work out that may be 20m, but the height difference of where we're proposing this road will be would be towering over the Military Canal. If anything was to happen where is it going to go? Military Canal, because that is the nearest point of it. One of the other things is this – the way the road goes at this moment in time is one of the very few locations on the south coast where anglers with disabilities can park close enough to the sea to still participate in this sport. We're about to decide whether that can happen or not. This is another thing where we are going to penalise somebody else. I have some other things but will come back to them in a minute once I've heard some more views. Thank you.	43.
Chairman	Thank you, Councillor Peacock. Councillor Robinson.	44.
Cllr Robinson	Are we on? No. I'm on. I am on. I've now got a red light. Okay. I haven't long been back on planning before three things that really tore me to pieces came about. The first one was Sellindge Village turned into a town on A1 or grade 1 farm land. I also presided over the destruction of _____ [01:07:01] wedge into Densole Farm, Little Densole Farm, which is wholly crazy and I think that will be 1,000 houses before we even finish it. And then Marine Parade in which the great unwashed have been completely ignored just to build up these huge de Haan mansions. Right, at the moment I feel so – we used to do base jumping and it feels just like that at this moment. I probably go over everything that's been said, just bear with me. Historic England objects, Archaeological KCC objects, KCC Ecology, birds please, bits and pieces, migration, amphibians and reptiles. Actually they've identified two badger setts and there could be stoats. I'll come back to stoats later. Natural England is objecting on wildlife protection, Rural England not happy. More work needed, page 40, if you want to go and find it in your hymn books. All work, all this work, for 420 people or 150 houses. Have you ever considered what will	45.

	happen this month when the bank rate goes up, as it will, Carney has been mentioning it, and a bank rise of 1% will come to 3% and people who are trying to buy houses. What is affordable? Please tell me. I'd like to know. Fudged economics. Now, Ann Berry went ahead and put parking meters there. Interesting. The parking meters cost this Council £50,000 and it's going to be moved or thrown away.	
Chairman	Councillor Robinson. Obviously, the parking meters is irrelevant to the application.	46.
Cllr Robinson	Yeah, but they're going to be thrown away, aren't they?	47.
Chairman	So basically, let's stick to the planning application.	48.
Cllr Robinson	Okay. I'm going to say it will cost 100,000 quid but now the next clever move on this planning application is to use the road as a base to build the houses rather than on the cinder pit which would cost a lot of money which is the reason why we are moving the road. Thank you. If all companies involved giving me all these figures sang from the same hymn sheet I might know where the hell I'm going, because at the moment I get pink slips telling me that Nickolls Quarry is 5.175 and Princes Parade is 4.72. In the next paragraph they're going to add £12 million for the preparation of the site, the site which puts Princes Parade at £16.75 million. Now where the hell are they coming from? This puts Nickolls Quarry as a better place. I would also add something else about Nickolls Quarry. Where we are we're going to put a sports centre at the bottom end near Sandgate rather than near Seabrook. That's not going to benefit – be any benefit to anybody that lives on the Marsh, so everybody that wants to live on the Marsh would be better served by a sports centre and a swimming pool at Nickolls Quarry. What's up with the old swimming pool? Can't we turn that back into a proper swimming pool again with a second floor? I also would point out to you that if we build a sports centre with a swimming pool on Princes Parade, we will be subject to the enormous wind buffeting which, as you know, took the roof off which we'd just put on Hythe swimming pool. Also, wave buffeting onto the promenade caused our old swimming pool in Hythe to crack twice. I kindly remind other people that they are up for election but that's not going to help anybody, but I have no problem in recommending that we reject this whole-handedly and this is all I can say. Thank you very much.	49.
Chairman	Thank you, Councillor Robinson. Councillor Laws.	50.
Cllr Laws	Thank you, Chairman. This is a very, very difficult decision that we've got to make and there are so many pros and cons, it wants someone with a lot of brain to try and work out what's best, but I do believe that Joni Mitchell summed it up: they paved paradise and put up a parking lot. And that is about what's going to happen. That wild piece of land is there and should stay there in the eyes of some people. In the eyes of others it should all be redeveloped and have high end flats and of course the ever-present absolute bunkum of affordable housing, which if you take what these houses will sell for or these dwellings will sell for, affordable won't come into it, they will still be over £300,000 with the 80% of the market value. So it's just nonsense and shared equity is where somebody is paying part	51.

	<p>mortgage and part rent, so how does that benefit the average person in Shepway who is at the moment going to pay nearly 10 times their annual earnings to buy a place? It is absolute nonsense. This is not built for the people of Hythe or the area. These are going to be people who move in, cash up from London, buy a place by the seaside and either use it just weekends or they'll come here, _____ 250,000 [01:13:47] and sit back. And then what will we be left with? They will get old. They will then become a drain on the health service and it's just importing people for the short term thing of generating money for the Council, because central government has taken away most of the funding for the local councils, so the only option they've been left with is the new homes bonus and generating from building and that is why we are seeing such a mad build all over this country. Two years ago I stated in this chamber in full council that I believe that Shepway Council at the time would not be happy until they've built on every little piece of green in the area and I just cannot see it. We've got Otterpool coming along which should I was told at the time underpin the finances for the next 50 years. We're now told, oh no, it's not going to and we're not building enough houses. But why is it that everywhere has got to come up to this thing of build, build, build? It is down to the fact that central government has taken away the funding and the only way councils can make money is from building and it's totally ridiculous and affordable should not be allowed to be used. I'd like to come back.</p>	
Chairman	Thank you, Councillor Laws. Councillor Owen.	52.
Cllr Owen	<p>Thank you, Chairman. I find myself between a rock and hard place on this one. Hythe urgently needs a new pool and Princes Parade is the only practical venue for this, given the extensive restrictions on other sites. In an ideal world I would like to see a leisure centre being built on this site with the rest of the remaining land being a mixed open space accessible to all. Unfortunately, we do not live in an ideal world and an element of housing is necessary to facilitate the leisure centre build. Within the report we are told that of the 150 dwellings proposed the affordable housing would equate to 45 units and that the applicant has confirmed that they will be policy compliant in that area and indeed we heard that earlier this evening. Elsewhere, we're also told that a priority towards fulfilling the needs of the local population could be considered. I fully support such a condition being included if it was to come to that situation. Another area where I have to be concerned, notwithstanding Ms Patching's comments at the beginning of this meeting, is financial viability. If I'm to vote for anything, then I have to be satisfied in my own mind that there is a good chance of it being delivered within budget and not having a massive overspend. There has been a lot of discussion to and fro between and how that would be dealt with. Having reviewed all the documents, I am satisfied by the responses from the applicant on this matter, so I'm happy with that. Where I do have a problem on this application is the impact of the road realignment on the Royal Military Canal. None of us would doubt the Military Canal is a nationally important heritage asset in this area and any impact from this development should be avoided or at least heavily mitigated. And I'm</p>	53.

	<p>not sure the current proposals will achieve this. We need to enhance the setting of the canal and I'm uncertain that this application does this and I'm particularly noting the comments of the various agencies on that particular area. Then I come to my main and long-standing view on this development is the contamination of the site and the method by which this would be dealt with if planning permission was given. I have lived in the town long enough to remember it when it was Hythe Borough Council's rubbish tip. It closed in the early 70s and in those days we had a very different attitude to what we put into the ground than we would now and the fact is we just do not know what is actually in that site. Having read the original report, there were also quite alarming statements in there to such an extent that as a layman I am concerned that the remedial measures mentioned in the report do not seem very adequate in my estimation. However, we have received the supplementary information and I've reviewed the proposed conditions that would apply if we do decide to grant this application, and that to a certain extent makes me more satisfied, but I have to say that I still do have serious concerns about this. It is possible to deal with this matter. I recall the O2 Arena site before the O2 Arena was built was heavily contaminated gas land and that has been obviously successfully remediated and we never hear of any problems arising from that area, but as I say, I think there are still areas with regard to contamination which I am unsettled about. Chairman, I should continue to listen to the vote – listen to the debate and use my vote accordingly. Thank you.</p>	
Chairman	Thank you, Councillor Owen. Councillor Govett.	54.
Cllr Govett	<p>Thank you, Chairman. I just want to focus our minds temporarily on to the Royal Military Canal as a scheduled monument itself. We have been told and a couple of colleagues mentioned, and indeed Mr Allan mentioned, that the Royal Military Canal won't be directly affected by this application. I just want to make sure that everyone has actually read the supplementary report with the Environment Agency's objection with the late change to the proposed discharge of surface water into the Royal Military Canal, which is a change from it going into the sea where the applicant is now proposing it's drained into the canal itself. This is – my understanding is this has been known by the applicant for some time so I fail to understand why such a late change has been effected. At best I'd say it's irregular and that's me being kind, if I'm being unkind I'd say it's suspicious. It is highly irregular to my mind as well to address the Environment Agency objections by a condition and that's especially as the canal is a scheduled monument with great weight to be given to its conservation and it's now impossible to assess the harm to the scheduled monument which has to be a key consideration in this application. I'm not comfortable with the suggestion that new arrangements should be made behind closed doors between planning, us, and the applicant, also us, and the Environment Agency. I don't think it would be acceptable if the applicant was a private developer and I don't think we can be seen to be giving the applicant, us, special privilege and to allow this would set a dangerous precedent for future applications. A planning application is a complex jigsaw puzzle and each element impacts other features and has to be</p>	55.

	considered in its entirety as an organic structure. We can't possibly consider this application as a whole with the enormous question mark of drainage that's currently standing. Added to that there are already enough unknowns, as my colleagues have pointed out, in the engineering elements and the contamination and to add to these I feel would be irresponsible and negligent. Thank you.	
Chairman	Thank you, Councillor Govett. Councillor Martin.	56.
Cllr Martin	Thank you, Mr Chairman, I've sat on this Committee for 14 years and this is probably one of the most difficult decisions I've had to make. What I don't understand is the amount of speakers that bring up information that simply is not material planning considerations, you know, we hear about this site, that site and everywhere, you know, and I think that it's just really just a waste of people's time. However, I've visited this site on lots of occasions and hardly ever seen people down there. One of the great things that we've done recently is to change our name from Shepway to Folkestone and Hythe. This is great. When one thinks of Hythe and certainly I think of Hythe quite a lot despite the fact that I'm Folkestone born and bred and proud of it, one thinks of Hythe as being, and I don't apologise for saying this, an upmarket area and I think maybe some of my colleagues and residents and people in the public gallery would agree with that. So why on earth do people living in an upmarket area want to walk by a huge rubbish tip every single day or drive by, because in my mind that's basically what it is. It has not really changed much from all those years ago when it was a tip or whatever you want to call it. And I think to bring a development like this, you know, will just enhance the area and it will put us even further on the map which is what we want. One of the ideas of changing our name was that we wanted to attract inward investment, bring people to the town. Well, this will be something worth bringing them to. And I really feel that – people say, I've heard from colleagues here, oh it's all about the money and the Council need the money. Yes, the Council do not need the money, but would these same people rather we put up the council tax? No. So this is a good way of doing it. And as far as giving special treatment to the Council because they own the land, this isn't a privileged application. That's absolute nonsense. Any council in the land – any council in the country that owns land is perfectly able and allowed to put in applications. I would like to remind everybody here that I've been looking up the figures and the amount of land that's built on even on a local basis is so minimal it's just unbelievable. Whenever you get a development coming along, people want to just, you know, object for objection's sake. I mean I was quite surprised tonight when I heard that – excuse me a moment – when I heard that there had been I think it was 600 or 700 objectors. Well, while I was lying in hospital recently with nothing else to do I read through this so-called petition, which I know has been rejected, where there was allegedly 6,000 names on it, and that's what they were: names. And then when I check it out I find that over a third of them come from all over the country, people that probably don't even know where Hythe is. So let's not just have objectors for objector's sake. I back this proposal 100%.	57.
Chairman	Thank you, Councillor Martin. Councillor Laws.	58.

Cllr Laws	<p>Thank you, Chairman. If we go back, I don't know, 2014ish, we had a man called Eric Pickles and one of his cohorts, George Osborne, telling us all about localism and power to the people. Now I don't know how a district plan would have affected this or a neighbourhood plan, but you must listen to the people, even if you discount whether the 7,000 objections were valid or not, they did it, and there's been enough people sending enough representations. And I will agree I've had probably a quarter in favour and three quarters against and that is fairly normal, because people do tend to object. But we are supposedly working towards localism and power to the local people. And if we can't listen to them, and by the same token they must listen to the Council, and say, well, fair enough you don't like that, so please give us a proposal where you would accept this and see what they say to that. But you go to the Southern Water, a desktop study indicates Southern Water cannot accommodate the needs of the development without the development providing additional infrastructure. The proposal would increase flows into the waste water sewage system and as a result increase the risk of flooding in and around the area. In the next paragraph at the end it says alternatively the developer can discharge foul and surface water flow no greater than existing levels. How can you build 150 more houses and have a bijou hotel and a swimming complex and leisure centre without increasing the flow into the sewage. This is nonsense the whole thing. There was another one where the consultees said that a particular proposal should be put forward before we decide on this and it's not been done.</p>	59.
Chairman	Thank you, Councillor Laws. Councillor Pascoe.	60.
Cllr Pascoe	<p>Well, Chairman, we had some heated debate this evening and to be absolutely honest I could have sat here and argued both ways quite comfortably, but having read the report and I've spent an awful lot of time this week reading this report and pulling it apart and lots of little things jump out at me as you start reading, we're talking about a tip that is almost inaccessible, approximate 10.6 acres of this space is proposed to be open space, so it will be looked after, it will be nurtured, it'll be space that residents can walk through, they can actually reach the beach from the main road without trying to cross vegetation that's up to head height. It's going to look a hell of a lot better by the time this is finished. We've been talking about the potential loss of wildlife and earlier on I mentioned rats but that was _____ [01:30:26] when I'm fishing, birds, swans, ducks and such like are swimming past. Let's take a walk further along the canal. We're talking about the loss of wildlife on this canal. Let's take it a bit further along, past the golf course, then to Stade Street, right away through to Burmarsh. What do you see when you're walking along the canal? Lots and lots of wildlife. And what else do you see alongside the canal as you walk from Stade Street along to Burmarsh almost to the west end? You see houses alongside the canal butting onto the canal. You see industrial estates butting onto the canal. And all the way from Stade Street to Burmarsh there's lots and lots of wildlife on that stretch of road. This will not be any different. Here, putting the houses forward on the site and bringing the road to the rear is going to make it much, much better for this site, because</p>	61.

	<p>there will be this larger gap between the heritage site, the canal, and the houses that are going to be on there, a much bigger gap, so it's going to be much better. We've heard about the danger of driving this road. Well, that's easy to overcome. We've heard from our highway's chappy, well-spoken, that the move of the road is appropriate which is excellent to hear. Why more houses? We heard about build, build, build. I'd like to bring a little message forward to everybody here. Looking at my own family tree, 100 years ago, two of my ancestors got married. Follow that down the lines so that over 100 of their offspring are there now. If I go back as far as I can my history, my ancestry, to 1299 which we can follow, there is over 1,000 offspring. Why do we need houses? Because each of us has children who will have children who will have children who will have children. We need homes and houses. As for affordable, I hate the term affordable because a house of 250,000 is not affordable to the majority, but the word affordable is for the value of that house reduced to an extent that it is subsidised, and that is what the word means, subsidised not affordable. I'm going to support this application, Chairman. It has taken a lot of hard thought and several days reading this over the past week. Thank you very much for your time.</p>	
Chairman	Thank you, Councillor Pascoe. Councillor Lyons.	62.
Cllr Lyons	<p>Just quickly, Chairman, a question to Mr Allan. On the Princes Parade Hythe design review on page 138 it's about the road alignment. Now the recommendation there – does not respect that character bringing a busy access and through road, which will be hard to calm, close to the canal. The strength of the straight road and the straight canal would be diluted. Now the recommendation was about costs and I'm just wondering if you have any comments on that. And before I finish, Chairman, I wonder where people would be living now if everybody protested about houses being built. I lived in Turnpike Hill, my family go back to 1920. I came here because my mother used to come here for holidays. It was a military town, my grandfather who I never met was in the Royal Engineers as were all his brothers, sadly three were killed in the First World War. Totally irrelevant you may say, it probably is. The point is that Turnpike Hill camp the people were protesting, the actually lobbed bricks at the builders on that side. And I was told this by a very respected councillor, Councillor Chris Capon, the County Member for many years, he said it was unbelievable, the hostility to building on Turnpike Hill. Now of course what's happened? Everybody is happy. If you recall, Chairman, when we had the Hythe Imperial Hotel built on the Green, the Hythe Imperial Green, and they wanted to put up a block of flats right by the canal and the Officers on this Council, this Committee, turned it down because it would be _____ [01:34:46] and it would damage the canal. So people are very aware of what they can do – damage they can do and they are prepared to do that. Now reading all the reports there, Chairman, I just feel it's – we ought to have a crack at this one. It is emotional. Yes, we all I think can we do better? But so far I've heard really no alternative. People I think write figures down on the back of a cigarette packet sadly and the only two people I have respect for, one is a chartered surveyor and one is a</p>	63.

	<p>physicist who wrote a lot of work to us all, who came up with alternatives and so on. They are only people I have a lot of respect for, professional people who actually came up with some answers. But again, they didn't have all the facts and figures, but their professionalism, they did their very best and I thank you – thank them both for that, but they are the only two people I respect at the end of this rather sad situation. A lot of people, as already stated, have said their passionate feelings about it, but we're not stupid on this Committee, we're not stupid as a council, it's our livelihood. We're here to represent, as I said, many – a long time ago everybody who represent – we represent absolutely everybody who comes to us, even if they vote for us or not, whatever, we do try our best to help people. Not always successful, we can't always please everybody all the time but we do try. So Mr Allan if you could respond to 138 that would be very helpful. Thank you. You've got the report there. It's the panel report, you know, the panel and the presenting team and the other attendees. It's the yellow – this document. Do you want to have a look at it? This is the old one, it's the 31st July, it's just the Princes Parade Hythe document and it's on page 138 and it's just the road alignment and they are talking about cost. Well, that was all, Chairman, just a response. Thank you.</p>	
Chairman	Mr Allan, do you want to respond to Councillor Lyons?	64.
Robert Allan	<p>Thank you, Chairman. Obviously, the report of the design panel considered a whole range of different issues at the four stages of the proposal. And I think it is true to say if you look at page 138 that they did have some reservations about the realignment of the road. I don't think anybody's denying that. And I think it's fair to say that overall the design panel were generally supportive of the scheme. And I would remind Members of what they heard from Mr Jensen at the beginning of the meeting about Kent Highways, the highway authorities, their view about the realignment of the road. You heard how they are completely satisfied with the configuration of that, with lower speeds, and it will be a very safe proposal, very pedestrian and cycle friendly, so I don't think from a highway safety point of view there are any problems at all with realigning the road if you are taking the advice from professionals. I have to say from a personal point of view, and I think – and I know everyone has a different view on this, but I think that the space that will be created in front of the leisure centre will be fantastic, you know, with this relationship to the promenade, the sea, the ability of people to cycle and walk safely and create that whole sense of space that you saw in some of the visuals that were presented right at the very beginning of the meeting. So I think Councillor Lyons my point would be that you need to take those issues in the balance with the whole proposal and assess what you see to be the advantages and disadvantages.</p>	65.
Cllr Lyons	_____ [01:38:39] as always. Thanks very much. Thank you, Chairman, that's me done.	66.
Chairman	Thank you, Councillor Lyons. Councillor Peacock, new issues to the debate?	67.
Cllr Peacock	Yes, a couple. Going – just going back to matters that Councillor Martin raised, stating that the promenade was quiet. He obviously	68.

	<p>doesn't go down there at the same as I go down there, and it was fine until this district decided to put parking meters in which stopped a lot of people from using the facilities. So up until then you had a job to get down there, because I got there on all different times of the day but I'm going to do my job. And one other point I'd like to bring up, this area is only in such disrepair because this Council neglected the area, so it could have been done a long time ago, but this Council decided to leave it and now this is their way of trying to put it back to something that should have been done a long time ago. Thank you.</p>	
Chairman	Thank you, Councillor Peacock. Councillor Govett, new issues?	69.
Cllr Govett	<p>Yes, plenty. Thank you, Chair. Without – I don't want to be seen to be picking on Councillor Martin but I'm going to start with you I'm afraid. I just want to be absolutely sure my colleagues when they come to vote they really have explored all of the arguments absolutely thoroughly in public, because that's what we're doing here tonight. I kind of agree Hythe is upmarket already – blimey, it's much more posher than the Marsh, innit? – and you know I can't argue with that and for that reason why does it need enhancing further? Why not push the investment towards areas that do need more assets? Why not? Hythe is already stretching itself with the permission we gave last week for – last month for OD, okay, that's not Waitrose but it's a significant retailer and that side of Hythe really is starting to develop in its own right. It is becoming part of Hythe's core space. So I suppose I'm moving on to the argument that I'm still yet to be convinced and I've not heard from anybody who is supporting this application exactly why they feel that Nickolls Quarry is not a better site, because when I look at it, it makes perfect sense to put this proposition into Nickolls Quarry and not into Princes Parade. So I'm just going to leave that with you Councillor Martin for you to consider. Councillor Pascoe and Councillor Lyons, I just want to – you both mentioned housing. Councillor Lyons, in your little own Project Fear and Olympic Dream combination you presented us with the options of Dreamland and night-time economy or travellers. So I'm not convinced that actually there are strong arguments for actually approving this application. I don't think ...</p>	70.
Cllr Lyons	_____ [01:41:47] supposition on my part.	71.
Cllr Govett	<p>I don't think we're – well, no, I would like to think that we would find the next Tom Daley in the 25m pool, but I highly suspect that that's not going to be the case. Again, it's not a strong enough argument for agreeing this application in this place. That's what we have to decide. We have to convince ourselves and the public that this is the best place for this application and I am yet to hear one single argument that convinces me of that. And finally, just to move on to the housing argument, we do have plenty in the pipeline all over the place, as Councillor Peacock has pointed out, and I do not think really that can be used as a justification. It's an enabling development for the pool, yes, but it shouldn't be, one unlocks the other, so again it doesn't convince me that the pool has to be at Princes Parade. The pool is only there to justify the housing. The housing is only there to pay for the pool. Thank you.</p>	72.

Chairman	Thank you, Councillor Govett. Councillor Pascoe.	73.
Cllr Pascoe	I'd just like to remind Members that we're discussing a planning application for Princes Parade and not Martello Lakes.	74.
Chairman	Thank you. We've ... we're not ...	75.
Cllr Govett	That's not true though. That's not true.	76.
Chairman	It is true. We're here to discuss planning application Y171042, so instead of – so there we go.	77.
Cllr Govett	_____ [01:43:12]. I apologise for interrupting, Chairman, it is part of the application because it's part of the sequential test, so we have to prove to ourselves and the public that this needs to go at Princes Parade and not Nickolls Quarry, so absolutely it's relevant.	78.
Chairman	_____ [01:43:39] so it's not relevant. Thank you. Councillor Laws.	79.
Cllr Laws	Well, I will say that I believe that Nickolls Quarry is included in this because part of the remediation money for Princes Parade is offset against Nickolls Quarry, making it appear far more expensive and it's used as an argument, so we must be able to refer to it. And what I'd like to know is there's about three quarters of an acre was going to be taken up with the leisure centre on Nickolls Quarry. If it's decided that it goes at Princes Parade will the uplift in benefit to the developer come owner of Nickolls Quarry be paying any more in 106? Because I work it out that they probably sell a dozen more houses on that plot of land that should have been a leisure centre and that's without the fact that they were allowed to get away without doing a pumping station. So to my mind you cannot discount Nickolls Quarry because everybody knows that that report refers to it over and over again and tries to justify the costs and offset them one way but not offset them in the other.	80.
Chairman	Mr Lewis, thank you.	81.
Chris Lewis	I understand the point that you're making, Councillor Laws. From my recollection being involved with Nickolls Quarry many years ago it doesn't automatically go to housing. If the leisure centres isn't built there it would remain as community use and the developer would have to make a planning application for change of use to use that land for housing. So I don't think it would be correct for the Committee to assume that housing would be built on the site of where the leisure centre would be for Nickolls Quarry. I think that would be a wrong assumption.	82.
Chairman	Councillor Robinson.	83.
Cllr Robinson	This is very brief, Mr Chairman. In our pink slips it again mentions a 1.6 cost plan – sorry, mustn't talk about it, but it mentions Nickolls Quarry. That's all.	84.
Chairman	It's restricted information, Councillor Robinson. Well, Councillors, I'm going to take Councillor Peacock and then we're going to go to the vote. Councillor Peacock.	85.
Cllr Peacock	Thank you. Just a couple of more things. What people aren't taking into considering, this is an iconic site and all we seem to be doing now is building four storey buildings from – it's already happened at Fisherman's Beach, it will go all the way along to Sandgate, so we'll just be swamped. And going back to what Councillor Pascoe said, yes,	86.

	there are houses near the canal further along, but they are not four storeys, there is no four storey houses in Hythe apart from the ones that now are going along the beach for other people with second homes. It does not bring economy, any money to the economy into Hythe or anywhere else when they come down here for a weekend and then the house is all not lit up during the week which I see on another development because I overlook it. So this is what we should take into consideration. This is an iconic site and this is over-intensifying this area. Thank you.	
Chairman	Thank you, Councillor Peacock. Well, as I said, Councillors, we've all had an extremely good debate. Nothing new is coming out of the debate. Councillor Govett.	87.
Cllr Govett	Thank you. We have hardly touched on ecology and wildlife. There are some questions over costs and viability regardless of what Ms Patching said. Councillor Owen hasn't had his concerns addressed about contamination. We've hardly discussed the engineering challenges. And again, we've hardly touched on the debate of Nickolls Quarry versus Princes Parade. There are so many other things that we still need to discuss and I feel that a vote is premature.	88.
Chairman	Well, I'm sorry, Councillor Govett, if you feel that way, but we've had over an hour and a half, you've had three or four opportunities to speak like every Councillor spoke at least three or four times, so I believe we're just going around on the roundabout now and starting to he said this, she said that, you know, we discussed the facts and we looked at the facts, you spoke about the facts, you've spoken three or four times, so I think, you know, nothing new is coming out of the discussion. I think it's time to go to the vote.	89.
Cllr Govett	It is called a debate. That is what a debate is. We go back and forth and we discuss every point. I don't think – I really don't think that an hour and a half gives this application justice. The applicant has been working on it for years. The protesters have been also working on it for years and I think it does them a disservice and I really don't feel comfortable with that.	90.
Chairman	Councillor Govett, if you've got specific issues you want to raise, raise them now please.	91.
Cllr Govett	Thank you. I would like Councillor Owen's concerns about contamination – I think everybody has got concerns about contamination and where that sits in this application and how we can reassure ourselves and the public that should this proceed tonight there will be no risk to the public.	92.
Chairman	Mr Allan.	93.
Robert Allan	To come back on that point, the Council's consultant, RPS, have looked at the proposals within the scheme and are satisfied with the work proposed, the capping measures proposed, and the measures both during the development which will be monitored by a construction and environment management plan and after the development to ensure that the appropriate mitigation has been put in place. We accept those findings and they legally could not leave a site in a dangerous condition.	94.
Cllr Govett	What happens if when we dig down we find that the contamination is greater than anticipated and therefore the costs are greater than	95.

	anticipated? What will be the first to go? Will it be the swimming pool? Will it be the green roof? Will it be the boutique hotel? What happens next?	
Robert Allan	There's two elements to that in terms of a standard planning condition that we would impose upon any application at a potentially contaminated site has a clause in it to do with the discovery of any new contamination, so any developer of a site would come up with a mitigation plan and a remediation package for the perceived risks. Things do change over time and with any developer, whether it's the district council or a private entity, costs may change. Costs of a development are outside – there are unknowns in any development and that has been part of some of the viability assessment where – figures thrown around where I think some of the costings are 21.4% for I think the overruns potentially to allow for these sorts of eventualities that may come up or may not. That is something outside of the planning arena, because a private contractor who came to us for a planning application would also potentially have to face the issue, but again the statute law, the environmental legislation, which escapes me at the moment, I do apologise, would not allow the site to be carried on developed until such time as it had been habitable for human health and there were no impacts either on site or off site. I hope that helps.	96.
Cllr Govett	Thank you. But just to confirm then, so by developing on the site we are increasing the risk versus just capping it off as it is is a lesser risk.	97.
Robert Allan	_____ clarify how [01:51:53].	98.
Cllr Govett	What I mean is by interfering with the site and developing on it are we increasing the risk of contamination spreading or other costs associated with the contamination being there versus if we leave it alone and, well, just cap it off which is what we've got to do anyway? Is that a lower risk option than developing?	99.
Chairman	Ms Patching will answer it for Councillor Govett.	100.
Lisette Patching	The whole purpose of getting – the planning officers getting advice from the consultants that we use regularly on planning applications is to ensure that the site can be safely developed without there being a risk of contamination either to people using the site or to the adjoining lands. And there have been cases in the past where the consultants said to us that the information that has been provided by the applicant isn't sufficient to demonstrate that and we've had to go back and the applicants had to do further work. The contamination consultant, RPS, have said that they are satisfied that the site can be safely developed with the condition in place that we're proposing and with the initial studies that have been done and the further studies that are necessary that there won't be any risk to either the users of the site or the users of adjoining land and that's something that we have to look at correctly as part of the planning application process which is what we've done.	101.
Cllr Govett	Thank you. This is no reflection of the Officers, so the consultant we use regularly, so we're their little cash cow, we're listening to them, but the independent design panel who objected to the road	102.

	relocation, we're not listening to them. That's not a thing for Officer comment, that's a perception of the way the world of planning and local authorities work.	
Chairman	Finished, Councillor Govett?	103.
Cllr Govett	I'm not sure. Can I just have one minute.	104.
Robert Allan	If I may respond, Chairman, the normal consultant we use is actually – we actually used a different consultant for this particular application, so I mean not that that's actually a relevant planning consideration that you raise there. And forgive me I forget the second point you made.	105.
Cllr Govett	_____ [01:54:21].	106.
Robert Allan	Okay.	107.
Chairman	Thank you, Mr Allan. Now we have one proposal proposed by Councillor Lyons, seconded by myself, to go with the Officers' recommendation of approval. All those in favour please show.	108.
M2	Recorded vote, Chairman.	109.
Chairman	Oh sorry.	110.
Kate Clark	Right, a recorded vote has been asked for. In this respect I'm going to read out each Councillor's name in alphabetic order and I'd like you to respond with either for or against the proposal or abstain from voting. Councillor Goddard.	111.
Chairman	For.	112.
Kate Clark	Councillor Miss Govett.	113.
Cllr Govett	Against.	114.
Kate Clark	Councillor Laws.	115.
Cllr Laws	Against.	116.
Kate Clark	Councillor Lyons.	117.
Cllr Lyons	For.	118.
Kate Clark	Councillor Martin.	119.
Cllr Martin	For.	120.
Kate Clark	Councillor Owen.	121.
Cllr Owen	Abstain.	122.
Kate Clark	Councillor Pascoe.	123.
Cllr Pascoe	For.	124.
Kate Clark	Councillor Peacock.	125.
Cllr	Against.	126.

Peacock		
Kate Clark	Councillor Robinson.	127.
Cllr Robinson	Against.	128.
Kate Clark	Councillor Wilkins.	129.
Cllr Wilkins	For.	130.
Chairman	For the purposes of the webcasting the voting is as follows: 5 for, 4 against and 1 abstention, meaning that it's carried. Thank you. No other business, Councillors. Thank you very much. Good night.	131.

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Folkestone Hythe District Council
Development Control
Civic Centre Castle Hill Avenue
Folkestone
Kent
CT20 2QY

Our ref: KT/2017/123369/06-L01
Your ref: Y17/1042/SH
Date: 15 January 2019

Dear Sir/Madam

Updated surface water management system addendum- hybrid planning application for the development of land at Princes Parade. An application for outline planning permission (with all matters reserved) for up to 150 residential dwellings (use class c3), up to 1,270sqm of commercial uses including hotel use (use class c1), retail uses (use class a1) and / or restaurant/cafe uses (use class a3); hard and soft landscaped open spaces, including children's play facilities, surface parking for vehicles and bicycles, alterations to existing vehicular and pedestrian access and highway layout within and around the site, site levelling and groundworks, and all necessary supporting infrastructure and services. Full application comprising a 2,961sqm leisure centre (use class d2), including associated parking, open spaces and children's play facility

Princes Parade Promenade, Princes Parade, Hythe, Kent

Thank you for reconsulting us on this revised, and very much 'alternative' drainage proposal for this development site.

Following lengthy discussions with the applicant's consultants, we are satisfied that the secondary scheme now presented represents a 'just-about viable' alternative to a direct discharge to the sea. This is purely on the understanding that (and as stated) any excess flows from surcharged attenuation features are directed towards the beach/sea when the surface water storage features are at or have exceeded capacity.

We reiterate that we are content that there is already a greenfield contribution from the site to the Royal Military Canal (RMC) during prolonged or extreme rainfall events, and that with the controls proposed, the post-development runoff rate/volume should not be increased via 'option B'. However, whilst the Flood Risk assessment (FRA) states that there may be a slight overall improvement, we consider that 'option A' (that of a direct and permanent discharge from the site to the sea via a formal outfall) would present a more significant benefit to the flood risk within the RMC, and we would be unable to consider this sufficient reason in itself for this secondary solution to be justified as the primary option.

We are still of the opinion that the overwhelmingly preferable option for surface water from this site is for a direct and permanent discharge to the sea (with interception and treatment provided for the 'first flush'), and we would need quite a degree of liaison and persuasion from any prospective developer if this alternative 'option B' is pursued.

Environment Agency
Orchard House (Endeavour Park)

www.gov.uk/environment-agency

Cont/d..

The costs involved with this secondary, attenuated, solution with its associated maintenance and land regrading to achieve the overland flow routes for excess flows, would require extremely convincing arguments for 'option B' to be pursued.

The 'outside of the redline boundary' argument is unlikely to carry sufficient weight when a second application to cover just the outfall could be submitted at a later date.

To clarify. This secondary solution appears to be viable from a flood risk management and surface water runoff perspective, but should be seen as an emergency fall-back option only, and only if there are extremely good reasons for a direct discharge to the beach not to be pursued. We would need a lot of evidence and convincing to support this approach and discharge any associated condition.

If you any any queries, please do not hesitate to contact me.

Yours faithfully

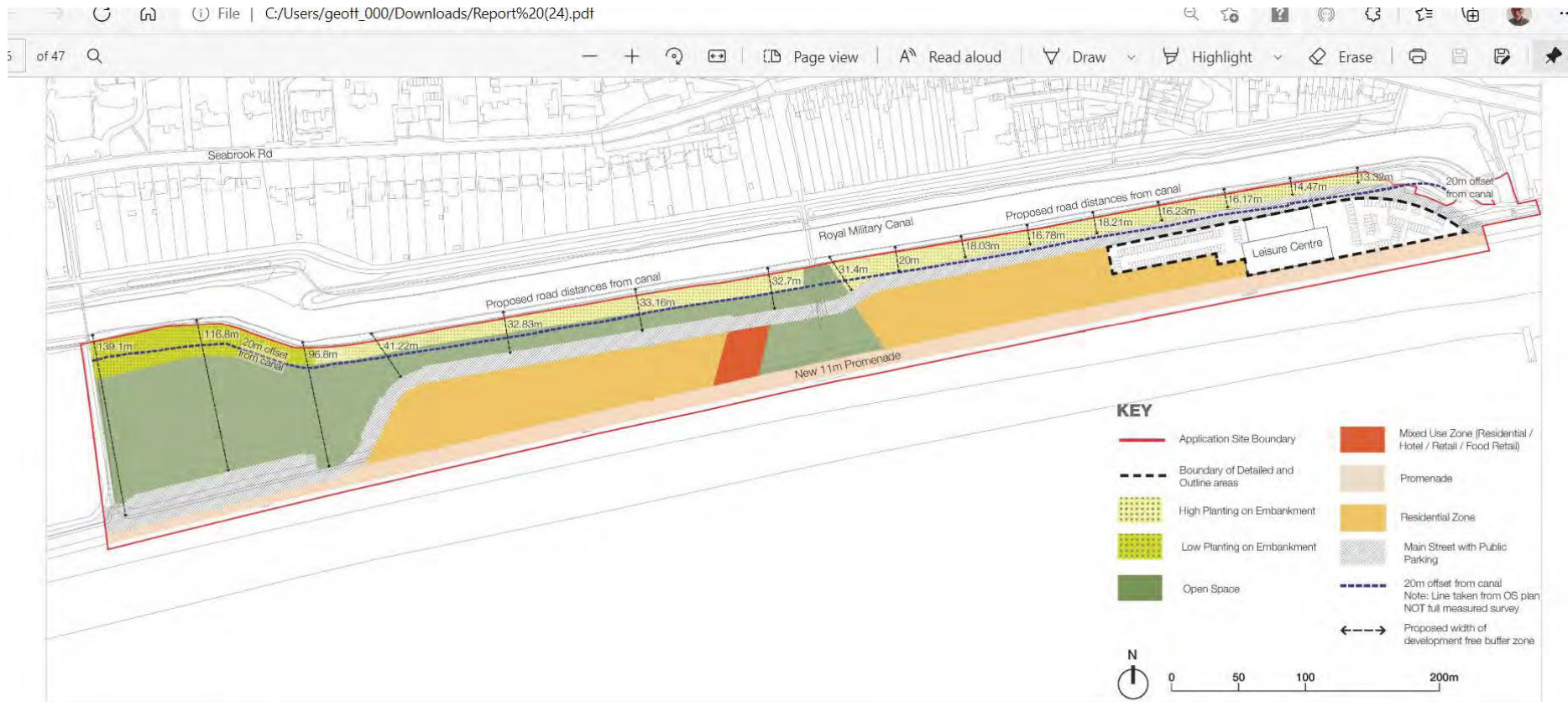
Ms Jennifer Wilson
Planning Specialist

Direct dial [REDACTED]

Direct e-mail [REDACTED]

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Appendix X3 Land Use Parameter Plan (CA 001a Tibbalds) (17.05.2018)



Princes Parade

Land Use parameter plan showing proposed width of development free buffer zone

drawing no. CA 001 a

scale 1: 2,000 @ A2

date 17-05-2018

Tibbalds

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4.1 Introduction

This section sets out the proposals for the development at Princes Parade as a series of parameter plans and diagrams, which describe the key spatial relationships of the proposals and define the scope of the planning application. It includes:

- the Parameter Plans that comprise the application drawings for the outline element of the planning application; and
- explanation and justification of the Parameter Plans in more detail.

This section is structured as follows:

- Extent of Development (including Development Zones Parameter Plan, application drawing number PP - DZ 002)
- Land Use (including Land Use Parameter Plan, application drawing number PP - LU 003)
- Building Heights and Massing (including Building Heights and Massing Parameter Plans, application drawing numbers PP - SH - 005)
- Access and Movement (including Access and Movement Parameter Plan, application drawing number PP - AC - 004)
- The Urban Design Framework.

4.2 Extent of Development

The zone for built development at Princes Parade will be restricted by this parameter plan. There are two distinct development zones within the outline application area, in addition to the detailed planning application area which covers the leisure centre.

Key principles:

- All development will be set back at least 12m from the seawall. This is a minimum distance agreed with the Environment Agency to allow for wave over-topping and potential flooding.
- The eastern development zone sits immediately adjacent to the leisure centre detailed planning application area;
- The eastern development zone is to be at least 25m from the northern red line boundary to allow for a set back from the Royal Military Canal.
- The western development zone is to be at least 39m from the red line boundary to the development zone to allow for increased set back from the Royal Military Canal.
- The development zones relate to built development only and allow for public open space and roads and paths outside of them.

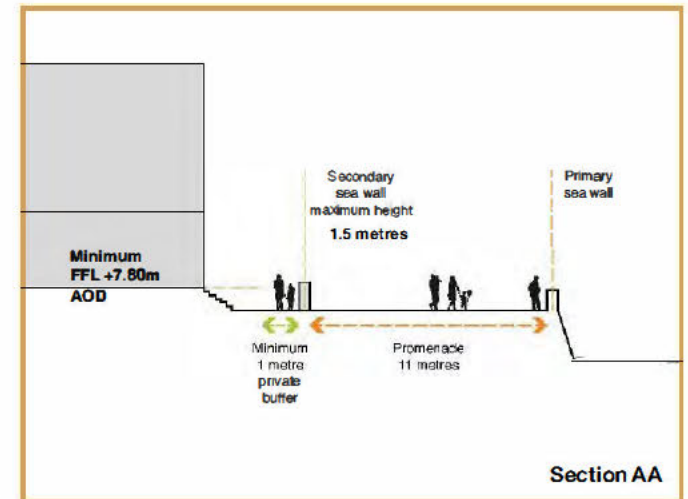
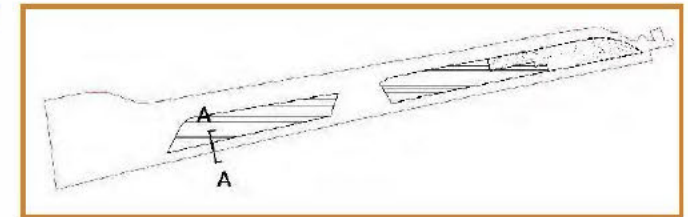


Figure 4.1: Proposed section and minimum distance from the seafront

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From: martin ([REDACTED])
Sent: 20 August 2016 13:01
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Princes Parade - Design Team Meeting
Attachments: Princes Parade Heritage Comments MM200816.doc

Sue – sorry for the slight delay in replying. I was away most of last week.

Please find attached my comments for your consideration.

Princes Parade, Folkstone: Heritage Comments MM 20/08/16

Responses to 'Questions for masterplan options'

17. The sections are probably the most important in terms of understanding the likely impact on the canal. What's the heritage view of the options?

Which section is better or worse is a moot point.

Retaining the road in its present position (option 1) would mean that the ARC building in particular would loom over the canal and change the canal's rural, almost wilderness feel. On the other hand its present character is one of enclosure, quite different to the open setting it would once have had. As with the rest of the scheme, it can be argued that whilst the development will make an impact on the present landscape character, it will do less damage to its already damaged and denuded historic setting.

A principle argument for retaining the road in its present position is that the reduction in costs could perhaps mean that fewer houses are needed as a part of the enabling development, thus reducing the impact of the scheme on the existing open landscape.

Unless there are very definite ideas about what to do with the promenade once it is liberated from the road, then an option of retaining the road, reducing the number of houses and thereby increasing the amount of open space on site should be investigated. If acceptable to the client, it would be useful to discuss this matter with Historic England.

I can see no particular advantage, in heritage terms, of running the road through the centre of the site.

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KCC & MLM exchange re road design 24 Nov 2016

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From: [REDACTED]
Sent: 24 November 2016 19:04
To: Jonathan Rodger [REDACTED]
Cc: [Matt Hogben](#) [REDACTED]
Subject: RE: 617845 Princes Parade Realignment

Hello Jonathan,

I note your request about specifics on the design, however I'm afraid that the concept is somewhat removed from our previous discussions.

The alignment of the new road does not conform to the principles of Kent Design in its function as a local distributor. We agreed previously that it would be appropriate to reduce the speed limit to 30mph with the altered street scene and increased pedestrian movements however the two sections alongside the canal are far too straight for distances of approximately 400m with no slowing features at all, to have a one small off-line diverted section in the middle of this to reduce speed would most likely lead to additional crashes, not reduce them.

Originally it was requested that publically accessible parking would be maintained directly adjacent to the relocated road. I note that your proposal informs that these spaces would be relocated into car parks closer to the seafront. This does not seem like a viable option for a site which attracts high numbers of seasonal visitors, in doing so it would draw the general public within the residential site which would most likely lead the general public using up much of the residential allocation. The form of these small residential roads lends itself well to homezone and shared space style developments, the transition into which would further reinforce that general visitors to the area should stay parked on street on Princes Parade.

We would not be supportive of a proposal which takes forward this current design. I'm afraid I'm on leave now until the 5th December, if you need any urgent further comments on this please discuss with Matt Hogben.

Kind regards

Tony Jenson | Senior Development Planner | Highways and Transportation | Kent County Council | Javelin Way, Herwood Industrial Estate, Ashford, Kent, TN24 8AD | [REDACTED]
www.kent.gov.uk

From: Jonathan Rodger ([mailto:\[REDACTED\]](#))
Sent: 17 November 2016 17:20
To: Jenson, Tony - GT HTW
Cc: Lauren Elliott; [REDACTED]

Matt - GT KH; [REDACTED]
Subject: FW: 617845 Princes Parade Realignment

Tony,

At the pre-app meeting we discussed the potential realignment of Princes Parade to allow the development to front onto the promenade. This is the preferred option going forward and a sketch of a possible layout is attached. In order for the masterplan to progress we would like to agree the key parameters.

Also attached is an initial sketch showing a possible realignment route. It should be noted that at this stage it is not intended for parking to take place on street but in a number of car parks closer to the seafront.

Based on our meetings and from reviewing Kent Design Guide the key dimensions we would like to confirm acceptable are:

- A road width of 6.75m
- A footway link of 1.8m on each side of the carriageway (Cyclists are catered for on the promenade, which is also going to be extended).
- The use of 40m as a minimum centreline radii for curves.

We trust that this approach is suitable and would welcome any comments you may have.

Kind regards,

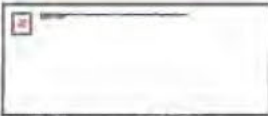
Lauren Elliott BSc (Hons) MTPS
Graduate Transport Planner

T: [REDACTED]

E: [REDACTED]

A: MLM, 190 Eureka Park, Upper Pemberton, Ashford, Kent, TN25 4AZ

W: www.mlm.uk.com



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Email from Tibbalds to FHDC Project Office shows that on 5 Dec 2016 uncertainty still remained about best position for Princes Parade road

From: Claire Perrott [mailto:claire.perrott@tibbon.co.uk]
Sent: 05 December 2016 13:42
To: Shore, Dave
Cc: Sue Rowlands; Matt Shillito; Jarrett, Andy; Adriana Bonilla
Subject: Princes Parade

Hi Dave

1

Further to your email and the pre-app meetings that you had last Monday with Historic England and the Shepway planners, we are writing to confirm drawing up two additional alternative options, to sketch scheme level, to enable the team to confirm a preferred way forward.

Additional option 1:

Key features:

- Princes Parade retained as current alignment along the seafront
- Aim for larger open spaces
- Denser development to the east
- Develop ideas around car parking solutions
- Provide precedent images for road and promenade treatment.

Additional Option 2:

- Same principles as above
- More linear development form

In terms of additional fees we propose to spend 3 days per option, at £812/day - Total of £2436 per option. We do not propose to include any landscape input at this stage, but could call on CBA if required.

Let me know if this is acceptable and we will proceed.

In terms of meeting up to discuss next week - at the moment I am only available in the morning on the 12th and the 14th. I will need to check with Matt and Sue.

Kind regards

Claire

Claire Perrott
Associate

for Tibbalds Planning and Urban Design Ltd

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Appendix X8 Historic England (19.06.19)

Mr Robert Allan
Shepway District Council
Civic Centre
Castle Hill Avenue
Folkestone
Kent
CT20 2QY

Direct Dial: [REDACTED]

Our ref: P00666110

19 June 2019

Dear Mr Allan

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**PRINCES PARADE PROMENADE, PRINCES PARADE, HYTHE, KENT
Application No. Y17/1042/SH**

Thank you for your letter of 21 May 2019 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Summary

The revised drainage proposal now introduces the need for Scheduled Monument Consent. Before this can be advised about by Historic England and before your Council can decide about planning permission more information is needed. It is very disappointing that the need for consent and other additional heritage issues raised by the revised proposal are not covered by the addendum to the Environmental Statement.

We have objected to this planning application and we now sustain this objection. We think that based on the information now before us the revised proposal will cause some increased harm to the significance of the Royal Military Canal as a scheduled monument. We also think that one of the public benefits claimed for the project i.e. enhanced public open space will be reduced. In these circumstances we think that despite your Council's existing resolution to grant planning permission you need to first understand the full consequences of the proposed changes and then consider whether the harm to be caused to historic significance is clearly and convincingly justified by the revised public benefits.

We will need more detailed information before we can advise whether Scheduled Monument Consent can be recommended.



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone [REDACTED]
HistoricEngland.org.uk





Historic England Advice

The addendum to the Environmental Statement describes an alternative solution to surface water discharge from that proposed in the original application. This is for three discharge points directly into the canal in lieu of disposal to the sea and as part of this creation of a new pond at the western end of the site in land previously identified as public open space. We understand that the preferred drainage solution remains discharge to the sea, subject to agreement by the Environment Agency, and that the alternative now proposed is a fall back in case it is not possible to achieve this. We must now advise about this revised proposal.

We are disappointed that the addendum has not identified heritage as a key consideration and focusses instead on drainage and ecological concerns. This is despite the proposed works now having a direct impact upon the scheduled monument (something which the previous proposals did not) and representing additional change within the setting of the Royal Military Canal (RMC). Scheduled Monument Consent (SMC) will be required for works which physically alter the monument. Issues about setting are not controlled by SMC but remain a material consideration for how planning permission should be decided.

SMC and planning permission are based on different legislation and can be decided separately to one another, but best practice is for these to be progressed in parallel. For planning permission you are advised by NPPF 193 to give great weight to the conservation of designated heritage assets irrespective of the level of harm that a proposal might entail. You are also advised by NPPF 190 to look for ways to avoid or minimise any harm to heritage assets and by NPPF 194 to ensure that any harm has clear and convincing justification. It seems clear to us that in order to decide if the revised drainage proposal is acceptable for planning permission you need to first understand much more about the precise works that will be required and their effect upon the significance of the RMC as a scheduled monument. SMC cannot be obtained for outline proposals and we need the same detailed information as you now require for planning permission before we can advise about the principle of SMC.

We think that the revised drainage proposal has the potential to cause additional harm to the significance of the RMC in two ways, by

- direct effects from works within the scheduled area, and
- indirect effects arising from works within its setting.

Excavation for a drainage connection between the development and the canal must disturb part of the scheduled area and damage any archaeological evidence it contains. The part of the monument affected is the tow path and front drain of the canal. These are long linear features and only short parts of them are likely to be affected. If so it is likely that harm might be mitigated by archaeological recording as part of agreed drainage works. This would be a condition of any SMC granted.



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No detailed information is provided for how the proposed drainage connections would be formed and thus critically for how these would appear as a finished result. This is an important issue for the character and appearance of the RMC as a historic canal. We anticipate that three outfalls would be visible on its south side and hence in key views from the northern bank where its historic character is best preserved and thus most appreciable. We will need to see details for the proposed works before we might say whether the principle of these is acceptable for SMC. We think that NPPF 189 requires applicants to describe impact upon the significance of heritage assets (including any contribution made by their setting) and we do not think as decision taker your Council has sufficient detailed information with which to determine the revised planning application.

The ES addendum discusses the capacity of the canal to receive attenuated discharge of water from the development. We are not expert in such matters but interpret the report as indicating that the canal is capable of taking discharge, including for predictable storm or tidal events. SMC is required for works or activities as set out in S2 of the 1979 Ancient Monuments and Archaeological Area Act and one of the issues specifically referenced there is control of flooding of a scheduled monument. This has less relevance here to a type of monument intended to receive and hold water than it would have for terrestrial sites, but we require an explicit assessment as to whether use of the canal to receive run-off will place it at any enhanced risk of harm. If for example there is a great amount of run-off at a time that the canal is tide locked for discharge to the sea, what is the risk of increased water levels in the canal causing more erosion of its banks. The ecological value of the canal is not part of its historic significance but we do think it is part of how the canal is enjoyed and experienced by visitors and so we think that control of pollutants so that only "clean" water can enter the canal is a concern for planning permission. Water quality within the canal may affect its appearance and hence the contribution this makes to it as a monument based upon a water body.

Two of the proposed drainage connections look to us to be connected to buried attenuation tanks but the third at the western end of the site is connected to a proposed newly introduced large pond. This pond will appear within the setting of the RMC and in our opinion will further increase the level of harm for what we already consider a very harmful proposal. Our assessment is based on the fact that historically there were no water bodies south of the canal and the introduction of one now will be yet more confusing for an understanding of how the canal was designed to act as a fortification. Harm is increased by the fact that the pond is proposed in land directly opposite the step in the trace of the canal where a field gun was intended to be positioned so as to fire along the canal and seawards. Due to changes in ground level the pond may not be visible from the gun position on the north side of the canal but in the reverse view from the south side of the canal looking down upon the gun position the pond will be intrusive to an experience of this historic feature of the monument.





One of the public benefits stated for the development was the creation of enhanced public open green space. The construction of a pond appears to us to reduce the amount of useable public space and hence to alter the public benefit of this.

We have assessed the development as previously proposed, as causing less than substantial harm to the significance of the RMC as a scheduled monument. We have however also said that the harm to be caused would be at the highest end of the *less than substantial* spectrum and that this is sufficient for us to judge that this harm cannot be justified and hence for our objection to the granting of planning permission. We think that the proposed pond now further increases the level of harm to the setting of the canal. We think that the level of overall harm remains at less than substantial because the monument itself is not directly affected by most of the proposal but it continues to be very serious and to be made worse by the new drainage proposals

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in this advice letter need to be addressed in order for the application to meet the requirements of the NPPF and specifically the paragraphs referenced above. We think this can only be resolved by specific assessment of the historic environment issues raised by the revised drainage proposals and that it was wrong not to include these in the ES addendum. Only when the consequences of the revised drainage proposal for the scheduled monument and its setting is better understood will it then be possible for your Council to decide about planning permission and Historic England about SMC.

We sustain our objection to this planning application. We note that the position of your Council before these revisions was a resolution to grant planning permission. The revised drainage works have in our view changed to some degree consideration of the proposal overall. They have marginally increased the level of harm to the historic environment for what is an already very harmful project and at the same time may have reduced the amount of open green space as a key public benefit claimed for the proposal. In these circumstances we think it is for your Council to fully understand these issues and to then ensure that the balance between harm and benefit, central to appropriate application of NPPF 196, remains in favour of approval of the project should the significantly different solution for drainage come to be the one that is relied upon.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, however, you propose to determine the application in its current form, please treat this letter as confirmation of our continued objection.



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Please contact me if we can be of further assistance.

Yours sincerely



Peter Kendall

Principal Inspector of Ancient Monuments


E-mail



cc:Heritage Conservation - Kent CC - Ben Found



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