

Objections to Planning Application Y17/1042/SH, Princes Parade, Hythe on behalf of the Save Princes Parade Campaign.

Description of Development.

The application is a hybrid application for subsequent consent accompanied by an Environmental Statement for the development of land at Princes Parade, comprising an outline application (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. A full application for a 2,961sqm leisure centre (Use Class D2), including associated parking, open spaces and children's play facility.

COMMENT –

- 1) Detail of the leisure centre has been provided and the site levels. The maximum heights of the dwellings and hotel have also been submitted. However, the detail of the alignment of the road, of its construction and lighting have not been submitted for the area where the housing and commercial uses are proposed. The Applicant should be asked to provide this information now, as it is not possible to judge what impact;
- the position of the road has on the setting of the Canal,
  - the height of the road above the canal has.
  - any retaining wall or embanking to retain the road will have.
  - its lighting has
  - the landscaping between the road and the canal has, in terms of amelioration.

The absence of this information makes it impossible to determine what impact the resiting of the road to the canal side, in the outline part of the site, has on the setting of the Scheduled Ancient Monument.

2) Does the Council intend to consult;

- Kent County Council on whether this scheme generates a need for additional school places.
- The Health Authority on whether this proposal generates a need for additional medical facilities /staff particularly since the closure of the GP Surgery in Folkestone east and the problems that it has created for those patients, seeking Doctors in the Folkestone area many of whom have closed their lists.
- Sport England on the location of the leisure centre and the facilities being offered in it. The NPPG encourages this approach.

The existing promenade adjacent to Princes Parade is 6.7m above AOD. As part of the application it is proposed to create a level plinth on the site which is 7.8m AOD. All the proposed buildings will be constructed on top of the raised plinth. The purpose

of the raised plinth is to protect the buildings and future users of the site from flooding from the sea.

The proposed leisure Centre is 57.5m (186ft) long and including the overhang at first floor level 37.7m (123.7ft) wide. At its highest point the Leisure Centre will be 10.7m (35ft) above the level of the existing promenade.

The proposed housing and hotel will vary in height from 2.5 storeys to 4 storeys in the central part of the site. The highest buildings will front the promenade, and at their maximum be 13 m (43ft) above the level of the promenade, higher than the leisure centre.

The area that is covered by the existing policies, and is the allocated open space will be largely developed with buildings, their associated car parking and the realigned road. The only significant area of open space proposed, is at the western end of the site, and will be 220m long by 150m wide. There will be a landscaped link in the middle of the site to pick up the existing pedestrian bridge over the canal. The majority of the existing open land will be built on, or covered by hard surfaces, and the proposed open space will only be about 20% of the site.

The existing promenade and road are outside the area covered by the existing policies. The proposed widened promenade will constitute the existing promenade and the existing highway. As the part of the promenade already exists, it cannot be said to add to the open space.

When viewed from different directions, and the surrounding areas of rising land, the development that is proposed will form an isolated island of built development, between the proposed new road, and the widened promenade.

Existing Development Plan.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

For Shepway District, the Development Plan is the 2013 Core Strategy Local Plan and the saved Policies of the Shepway District Plan Review 2006.

In relation to Princes Parade the relevant Policies are TM8 and LR9 of the Shepway District Plan Review 2006. The preamble to these Policies state;

6.24 The Princes Parade site is an extensive area of open land next to the seafront at Seabrook, Hythe. The site includes the Royal Military Canal which is a scheduled ancient monument of national importance. It was designed as a long distance defensible fortification and communication system and there are no comparable works surviving elsewhere. For this reason, this site has potential for tourism uses which are closely related to the use of the canal but also due to its proximity to the sea. This site

is also a suitable location to provide a local park, which would address the open space deficiency in Seabrook.

6.25 In order to preserve the open character of the site and to enhance the setting of the Canal, any use should be low key. Built development will only be acceptable where it is essential for the use, and should be limited in scale.

Policy TM8 states;

Planning permission will be granted for recreational/community facilities on land at Princes Parade, Hythe as shown on the Proposals map subject to the following criteria:

- a) The use should take advantage of, and enhance the appearance of, the Canal and the coastline.
- b) COMMENT – The preamble to the policy recognises that a tourism use would take advantage of the location of this site. Other than the hotel and A3 uses this application proposes no tourism uses. The primary uses are the leisure centre and the houses. These uses can be located elsewhere, and do not benefit the location. Through their positioning on the site, and the mass and height of the buildings they destroy the openness of Princes Parade, the views along the coast, and to the rising land beyond. Additionally, as the Applicant states, this development will have an adverse effect on the setting of the scheduled Ancient Monument. The proposed development does not enhance the appearance of the Canal or coastline, it damages it significantly.
- c) The majority of the site should remain open.

COMMENT - the majority of the existing open space provided by this Policy will be built over, only about 20% will remain as open space and that is necessary to meet the Council's own open space standards for new housing. As is recognised by the Council's supporting statement, there is in actually a loss of open space in a location (Seabrook) where the Council already recognises that there is a public open space deficiency.

- d) Proposals should not adversely affect the character and setting of the Scheduled Ancient Monument.

COMMENT - the Applicant clearly states in the Policy analysis statement that this proposal that this will have an adverse effect on the setting of the Scheduled Ancient Monument.

- e) Built development will only be permitted if justified as essential to the use and should be small scale, low rise and of a high quality design.

COMMENT - the purpose of this criteria is to allow small scale building which might be essential to the use of the land for recreation or open space. The scheme proposed is not necessary for the use of this land as open space.

The mass, height and the extent of the built development proposed is not low rise or small scale. The buildings and hard surfaces will dominate this open landscape, and will be in such close proximity to the Canal that they will destroy its setting.

Policy LR 9 states;

The District Planning Authority will provide an adequate level of public open space for leisure, recreational and amenity purposes by protecting existing and potential areas of open space and by facilitating new provision by means of negotiation and agreement.

Loss of open space.

Areas of open space of recreation, leisure or amenity value or potential as identified on the proposals map will be safeguarded. Development proposals which would result in a net loss of such space will only be permitted if:-

- a) sufficient alternative open space exists;
- b) development does not result in an unacceptable loss of local environmental quality
- c) it is the best means of securing an improved or alternative recreational facility, of at least, equivalent community benefit having regard to any deficiencies in the locality.

COMMENT- The adopted Development Plan identifies in the preamble to Policy TM8 that Seabrook is an area deficient in open space and that is identified in the deficiency maps and tables that accompany the Plan. Princes Parade was allocated as open space in order to overcome that deficiency, and has the potential if the Council improved it, and gave the public access to it, to be a high quality open space contributing to this coastal and historic environment. This proposal does not safeguard the open space it destroys the majority of it.

The NPPF in para 74 is very clear, when it states that open space should not be built on unless certain criteria are met. This proposal does not meet those criteria. This proposal results in the net loss of allocated open space in an area that is already deficient in open space. There are no alternative open spaces to serve the local community.

This proposal because of a number of its adverse effects will cause an unacceptable loss of local environmental quality. The Applicant recognises that this proposal because of the extent of the development and the height and mass of the buildings proposed, that it will have an adverse, long term and permanent impact on the views in this area. Additionally, the Applicant has identified this development will have an adverse effect on the setting of the Ancient Monument. It also destroys the tranquillity of the Canal side, it will introduce lighting into an area where there is none now, and it will destroy the existing habitat all of which form part of the character of the Canal.

All of these impacts, singularly and when combined, will cause an unacceptable loss of local environmental quality in this area.

It is the Applicant's view that the community benefit of providing a leisure centre on Princes Parade offsets the substantial harm that it creates. Additionally, the Applicant has stated that it is necessary to build the housing, to pay for the Leisure Centre. There are a number of points in relation to this;

- the Cabinet on the 19/7/2017 determined not to carry out a viability study of the leisure centre until such time as the Application is approved. In that case the Council is proposing a use that it does not even know is viable.
- the NPPF defines leisure as a main town centre use and says that such uses should be located in the Town Centre, and then at the edge of the town centre etc. It continues that if a leisure use is not in the Town Centre, the Council should apply a sequential test, unless, there is an up to date Development Plan covering the issue. Para 7.9 of the existing Development Plan identifies Nicholls Quarry as a suitable site for a leisure centre which would include a swimming pool and states that it would meet the needs of the western part of the District, and the population of Romney Marsh. This application is therefore contrary to the advice in the NPPF as the proposed use is not in the Town Centre, and there is already a site identified for the use in the adopted Development Plan.
- Additionally, it must be recognised that the Nicholls Quarry housing development is moving the centre of gravity of Hythe westward, and a leisure centre would be only 5 minutes by car from the centre of Hythe. The Development Plan identifies that the Leisure Centre on Nicholls Quarry could come forward as early as 2020. It is likely that the development of the leisure centre on Princes Parade would come forward after this date. To destroy the openness of Princes Parade and the contribution it makes to the locality, for no time benefit is not the best means of securing a leisure centre. That means already exists on the site at Nicholls Quarry in a location, where it is needed.
- The Council did carry out a sequential test for the siting of the leisure centre, but as the documents that support the application state, it was largely confined to land the Council owned. This approach can be hardly be described as rigorous!
- The government requires that Local Authorities maintain a 5 year housing land supply which is either, allocated, or has consent for housing development. The Council's latest Annual Monitoring Report identifies that Shepway has a 7 year supply of land for housing. Shepway Council's supply of housing land therefore meets and surpasses the Government requirement. There is therefore no overriding need to build houses on Princes Parade to meet its housing requirement. The Council already has sufficient land.
- The Council is also stating that the housing, and other uses, are necessary to enable the provision of the leisure centre. It is unknown whether the leisure centre is financially viable, and if it is not, the housing is not necessary

because there is no overriding need for housing. Additionally, enabling development is only relevant in the case of Historic Buildings and therefore is not a material consideration in the determination of this application.

Provision of new open space.

In deciding planning applications for residential development within areas where an open space deficiency exists or will be created, the District Planning Authority will be guided by the following criteria:-

i) Sites of 25 or more dwellings should provide open space to the standard of 2.43 hectares (6 acres) per 1,000 population. Where full provision on site would not be appropriate or desirable the space needed may be met by commuted sum payment towards the provision or improvement of open space nearby on a scale related to the size and scale of the development;

COMMENT – This proposal does provide open space but it only meets the needs of the population of the proposed housing. It actually results in an overall loss of open space in an area that is already poorly provided.

ii) Sites for less than 25 dwellings should contribute towards the provision and improvement of open space on a scale related to the size and nature of the development.

This analysis demonstrates that this proposal is contrary to the Council's own policies and should be refused.

Material Considerations.

Emerging Policy.

Some of the documents accompanying the application refer to the emerging People and Places Local Plan Policies and allocations to support the development of Princes Parade. The Issues and Options draft of this emerging Plan was the subject of public consultation and the development of Princes Parade drew substantial objections from the local community, English Heritage, and Kent County Council. The draft Plan itself has not been the subject of public consultation, and the evidence for its proposals has not been tested at Public Inquiry. Its proposed allocation of Princes Parade, whilst being a material consideration, should therefore be given little weight in the determination of this application.

The Council also refers to other draft documents such as the SHMA, the SHLA, and the draft Public Open Space Strategy 2017. These documents have not been the subject of public consultation or Public Inquiry and should again be given no weight. The draft Public Open Space Strategy 2017 is not even publicly available.

If the Council wants to develop Princes Parade for Housing and Leisure Centre it should withdraw this application, and pursue its allocation in the emerging Local

Plan. In that way it can be properly tested against other sites through the Public Inquiry process, instead of trying to circumvent the Plan led system, which is what the Council is doing, through the submission of this application now.

### Housing Need

The housing provision in this application should be considered against the requirement set out in the Development Plan. The Council through allocations and planning consents has provided sufficient land to meet the need identified in the Plan, and the Government's requirement that they have sufficient land to build houses on for 5 years. The Council's latest Annual Monitoring Report shows that through consents and allocations Shepway Council actually have 7 years housing land supply, thus exceeding the Government's target. There is therefore no overriding need to develop Princes Parade for housing through granting consent to this application.

Again the supporting documents refer to earlier version SHMA and the SHLA and state that they identified Princes Parade as being suitable for housing. They may have done, but Princes Parade is not allocated for housing so clearly there were preferable sites. As stated above the latest versions of these documents have not been the subject of public consultation or tested through the Public Inquiry process and they therefore should be given little weight in the determination of this application.

In conclusion there is no overriding need to develop Princes Parade for housing amongst other uses by granting consent for this application.

### Open space

The existing Development Plan recognises that Princes Parade lies in an area that is deficient in Public Open Space and that its allocation as open space in Policy TM8 would go some way to meeting that deficiency. The Applicant suggests that Princes Parade was underused as an open space. The reason for that lies with the Council, in that they failed, apart from for a small area to lay it out as open space, and at times have denied the public access to the site.

This proposal will result in about 80% of the land that is allocated as open space being built on, thus removing it from the open space allocated in Policy TM8. The scheme the subject of the application does propose a small open space at the western end of the site. This area only goes to meet the need for open space generated by the proposed housing in accordance with Policy LR9.

This proposal results in the loss of an existing and potential open space and exacerbates the existing open space deficiency in this area. The loss of open space is a material consideration and this proposal is contrary to Policy TM8 and LR9 and the advice contained in para 74 of the NPPF

### Local Plan Inquiry 2004 - Inspectors comments.

The Council has twice previously tried to allocate Princes Parade for housing purposes and each time, it has been rejected by an Inspector because the residential development would be out of character with the site's open nature.

The Council in the Shepway Local Plan Review 2004 sought to allocate Princes Parade for 100 houses in the same configuration that is proposed now. The Inspector rejected its allocation and;

- said that the view eastwards along Princes Parade is one of the finest in Shepway,
- she stated that the building of houses on Princes Parade would be unacceptably disruptive to the open character of Princes Parade and its view.
- she continued that moving the road alongside the Canal, and building houses at the back of the beach, would erode the attractiveness and integrity as a unified seaside drive, and compromise the quiet setting of the Canal, an Ancient Monument
- she continued that the harm from residential development would be so fundamental that she could not recommend it
- she took the view that the need to preserve the openness of Princes Parade outweighed the need to develop brownfield land for housing.

This proposal, which is in the same configuration as considered by the Inspector, contains an even greater extent of development. The harm that the Inspector identified in 2004, and the Inspector before her, will be created if this development is granted planning permission;

- It will because of the height and mass of the building proposed destroy the view eastwards which is identified as one of the finest in Shepway,
- It will disrupt the open character of Princes Parade and its view
- moving the road alongside the Canal, and building houses at the back of the promenade, would erode the attractiveness and integrity as a unified seaside drive, and compromise the quiet setting of the Canal, an Ancient Monument

The Inspector took the view that the harm that was created by residential development was so fundamental that she rejected the allocation of Princes Parade for 100 houses. It is because of the Inspector's refusal to allocate Princes Parade for housing, that, the Council allocated the land as open space.



The harm that is created by this application remains fundamental for all the reasons identified by the Inspector. The Inspector's view is a material consideration in the determination of this application and should be given significant weight.

### Impact on the Scheduled Ancient Monument

The Applicant states that the Royal Military Canal which is a 19<sup>th</sup> Century defensive structure is a Scheduled Ancient Monument, and a designated heritage asset of the highest importance.

There is a suggestion that because the Canal is a long linear feature stretching from this location which is one end of it, to towards Rye, that development adjacent to only a part of it, creates less harm. The reality is that the different landscapes some urban, some rural, provide the Ancient Monument with different settings in different locations.

The Applicant suggests that in this locality, the site is in a cutting, a description that suggests a sense of enclosure. That description is incorrect. This part of the Canal stretching as far as the new development behind the Imperial Hotel has an openness and tranquillity. Where the land that has been tipped, it provides a gently sloping bank running down to the canal side path. That gentle slope, the width of the canal itself and the path on the other side, ensures that as one walks along the Canal, one does not feel enclosed, one has open views of the sky, and the land around. Additionally, when one looks along Princes Parade, in either direction the view, is open. It is this openness which provides the setting of the Canal in this location, and it is this setting that people will have experienced, and enjoyed for the past 60 years.

The construction of the buildings and their associated hard surfaces, the positioning of the road with its associated movement, traffic noise, and lighting in close proximity to the Canal will destroy that sense of openness and tranquillity, and therefore the setting of The Ancient Monument in this location.

The Council say that despite the land raising on Princes Parade, which has placed the Canal in an embanked course, it remains an important linear feature. Hythe Council were responsible for the raising of the level of the land by using Princes Parade for waste disposal under their permitted development rights in the Town and Country Planning General Development Order. Shepway District Council, their successors in title, have continued to use the site under their permitted development rights most lately for the deposit of silt from the Canal.

Shepway Council has not met its obligations under the Environmental Protection Act to remediate the harm created by the waste tipped on the site. The raising of the land and the continued tipping was a deliberate act and has caused harm to the Heritage Asset.

Para 130 of the NPPF states that;

Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

The Council has neglected this site, they have not remediated the harm created by the tipping, and have done minimal works to lay it out as an open space which is its allocated use. They should not therefore say that the deteriorated state of the setting of the Canal, which they have allowed to come about, is a reason to approve this application.

The Council does say that this proposal will create harm to the setting of the Scheduled Ancient Monument, and go on to quote para 134 of the NPPF which states;

‘Where a development proposal would lead to less than substantial harm to the significance of the heritage asset this harm should be weighed against the public benefits of the proposal.’

Whilst it is recognised that some of the mitigation measures such as the restoration and repair of some of the structures would be of benefit, the other suggested benefits are spurious.;

- Whether the Leisure Centre is viable is unknown, and there is an alternative site for it in any case.
- The Council has a 7 year supply of housing land , 2 years more than the Government requirement of 5 years. There is therefore no overriding housing need for this development
- It results in the loss of designated public open space in an area where there is already a shortage. This site could be significantly improved without the need for this development. The Lower Leas Coastal Park is an example of how this site could be improved as an open space.
- The proposed buildings on the site when viewed from the west will appear as an intrusive island of development within an open landscape.
- The height and mass of the buildings will be visually intrusive when viewed from the west and will destroy what has been described as one of the most important views in Shepway.
- The Council suggest that because the leisure centre is located at the eastern end of the site and will not be visible from Hospital Hill that it makes the visual impact of the development acceptable in that view. This ignores that the other substantial buildings will be clearly visible from Hospital Hill thus destroying that open view. This proposal will also destroy the views from the west and the north contrary to what the Council say.
- The Canal side is tranquil at all times of day and in all seasons. The repositioning of the road so that it is adjacent to the Canal, with its concomitant traffic, noise, the introduction of lighting and the erection of substantial buildings will urbanise the site, and destroy the open character of this part of the Canal, as well as its tranquillity.

- The road will be 3 m above the canal side path and its construction will alter the nature of the Canal side. The Applicant has provided no detail of this.
- The repositioning of the road to the Canal side will bring road traffic noise into close proximity with the users of the path. It will also bring street lighting to an area that is currently dark. These urban intrusions will destroy the existing character of the area and take away its tranquillity.

As the Applicant says this proposal will create harm to the setting of the Scheduled Ancient Monument, but the harm that it creates is not, for the reasons outlined above outweighed by the little real public good it brings.

### Flooding

The National Planning Policy Framework encourages Councils to take a risk based approach to proposals for development in, or affecting flood risk areas through the application of a Sequential Test. The objective of this Test is to steer new development away from high risk areas towards those at lower risk of flooding. However in some areas where development land is in short supply there can be an overriding need to build in areas that are at risk from flooding. In such circumstances, The sequential test is used to ensure that lower risk sites are developed before the higher risk sites. The Strategic Flood Risk Assessment identifies that Princes Parade lies in Flood zone 3a which is an area with a high probability of flooding.

The NPPF states that only where there are no reasonably available sites in Flood Zones 1 and 2, should decision makers, consider the suitability of Flood Zone 3, taking into account the flood risk vulnerability of land uses, and applying the Exception Test if required.

The Exception Test is required if following the application of the Sequential Test it is not possible or consistent with wider sustainability objectives for the development to be located in zones of lower probability of flooding , the Exception Test can be applied. The siting of dwellings and hotels in flood zone 3a requires that the Exception Test is applied.

For the Exception Test to be passed, there are 2 criteria that must be satisfied, and these are listed below;

- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared, and
- A site specific Flood Risk Assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users , without increasing flood risk elsewhere and where possible will reduce flood risk overall. (source: Shepway District Council SFRA July 2015)

The Council has carried out both a Sequential Test and an Exception Test in relation to this proposal. However, in submitting this application, rather than pursuing the allocation of the land through the Development Plan process they have not

demonstrated that there are no other sites in less vulnerable flood zones where these uses could be accommodated. The Council's evidence has not been tested through public consultation or Public Inquiry. There are clearly other housing sites available with consent or allocated which meet the Council's housing need now. Additionally there is another site identified for a leisure centre at Nicholls Quarry. There is therefore no need to develop on this site which has a high probability of flooding.

In relation to the Exception Test it is recognised that the provision of housing and a leisure centre can be a community benefit. However in relation to housing, Shepway has more than sufficient land to meet its housing need now. In relation to the leisure centre the Council does not know whether the use is viable, and there is an alternative site in any case. Therefore this proposal does not provide sustainability benefits for the community.

To overcome the risk to buildings and people on the site itself, it is proposed in the application to create a plinth 1.1m above the existing promenade off which all development will be constructed. This may have the unfortunate consequence of pushing flood water elsewhere and creating a greater depth of flood on adjoining land which would be in conflict with the advice contained in para 100 of the NPPF. The Council's Flood risk assessment states that this will not happen but does not explain why not.

There is additionally, the question of drainage. As the site is a former tip, the site cannot be drained into the ground, using soakaways because of the contamination. It is proposed to tank the hard surfaced areas, and drain them, via pipes to the beach. The buildings would be drained by pipes directly to the beach. Such an approach is satisfactory during normal weather conditions, but if heavy rain is combined with a high sea level and overtopping, will it prevent water from the site draining to the sea, and actually cause flooding on the site?

Given the Council's conclusions on the acceptability of development on Princes Parade, it is odd that the development of the golf course land which is also in flood zone 3a is unacceptable because of flood risk. In the absence of the testing of the evidence that supports the Council's sequential test as to whether there are preferable sites, little weight should be given to it.

This proposal results in vulnerable land uses, being sited in an area of a high probability of flooding. The Council cannot demonstrate that the uses cannot be accommodated in less vulnerable locations because they clearly can be, and they have not demonstrated an overriding need. This proposal is in conflict with the advice contained in the NPPF.

### Sustainability

The NPPF states that there are 3 dimensions to sustainability one of which is;

'contributing to protecting and enhancing our natural, built and historic environment, and ,as part of this , helping to improve biodiversity, use natural resources prudently

,minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.

This proposal creates harm to the historic environment, removes the existing habitat and therefore does very little to improve biodiversity.

The NPPF also states that sustainable development has a social role

‘supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations ; and by creating a high quality built environment with accessible local services that reflect the community needs.....’

This proposal if permitted would result in the provision of housing, but the Council has already done that, to meet the needs it has identified in the Development Plan, there is therefore no overriding need.

The thrust of the Development Plan is to locate local services which the leisure centre is, adjacent to the existing centres. The Development Plan identifies that the need for the leisure centre is on the western side of Hythe to serve the growing population there, and the people who live on Romney Marsh. The Folkestone area already has a recently refurbished leisure centre, and a number of Gyms. What the community in Seabrook needs is open space which this proposal removes.

This location has no rail links, and the bus routes are on the other side of the canal, it will in reality be primarily serviced by car which does not make it a sustainable location.

In addition in summer the demand for parking could be such, as to create substantial conflict between future residents and tourists, unless the Council is going to create a gated community which would not be inclusive.

### Conclusion.

This proposal is contrary to the advice in the NPPF and to Policies TM8 and LR9 of the Development Plan, and there are no material considerations that outweigh those Policies

Additionally it creates significant harm in that;

- It destroys the most important view in the District
- It destroys the openness of Princes Parade and the associated views.
- It damages the setting of the Scheduled Ancient Monument and takes away its tranquillity
- It results in the loss of open space in an area where there is already an identified deficiency
- It introduces vulnerable development into an area with a high probability of flooding without testing the veracity of the evidence as to whether there are less vulnerable sites for this form of development.

- It proposes a leisure centre which is a Town Centre use, in a location, which is divorced from a Town Centre, when a site has already been identified in the adopted Development Plan.