

**NOTIFICATION OF DECISION OF
THE LOCAL PLANNING AUTHORITY**

Date of Decision: 2 February 2024



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Mr N Ciccone
C/o Mr James Smith
HYDENE
BARRACK HILL
HYTHE
CT21 4BY

TOWN AND COUNTRY PLANNING ACT 1990

Application Number: 23/0801/FH

Proposal: Outline planning application for a residential development of 9 dwellings with all matters reserved except access into the site.

Site Location: Land Adjoining 16 Cherry Gardens, Littlestone, TN28 8QR

DECISION: APPROVE WITH CONDITIONS in accordance with the planning application and plans.

Subject to the following conditions:

- 1 Approval of the details of the layout, scale, landscaping, access and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

Reason: to comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Application(s) for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission. The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason: to comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents approved by this decision.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

- 4 If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

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

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

- i. the parking of vehicles of site operatives and visitors.
- ii. loading and unloading of plant and materials.
- iii. storage of plant and materials used in constructing the development.
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- v. wheel washing facilities.
- vi. measures to control the emission of dust and dirt during construction.
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

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

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

- 7 No development beyond the construction of foundations shall take place until details demonstrating the development as a whole will reduce carbon emissions by a minimum of 10 percent above the Target Emission Rate, as

defined in the Building Regulation for England approved document L1A: Conservation of Fuel and Power in Dwellings, (or any document which supersedes or updates that document) have been submitted to and approved in writing by the Local Planning Authority. Upon approval the measures shall be implemented as agreed and thereafter retained and maintained in perpetuity.

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

- 8 Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment prepared by Herrington dated August 2022 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

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

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

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently

maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 10 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:
- i. archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority; and
 - ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- 11 No work on the construction of the buildings hereby permitted shall take place until samples of the materials and details of the windows and doors to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include a schedule and plan indicating the materials to be used for each plot within the phase, or sub-phase. The development shall be carried out in accordance with the approved details.

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

- 12 All mitigation for badgers will be carried out in accordance with the Badger Mitigation Strategy contained in Appendix 3 of the Ecological Impact Assessment report (Martin Newcombe, August 2023). The mitigation will be implemented as detailed and retained thereafter for the duration of the construction/operation phase as detailed. Monitoring by a suitably experienced ecologist will be undertaken on an annual basis for the first five years post-construction, with immediate implementation of any required remedial measures.

Reason: To safeguard protected species and habitats.

- 13 Prior to commencement of works (including site clearance), a construction environmental management plan (CEMP) will be submitted to and approved in writing by the local planning authority. The CEMP will include a Biodiversity Method Statement which incorporates the measures detailed within the Ecological Impact Assessment (Martin Newcombe, August 2023) and includes consideration of the following:

- Risk assessment of potentially damaging construction activities;
- Identification of 'biodiversity protection zones' shown on appropriate scale plans;
- Location, timing and details of the practical measures (both physical

measures and sensitive working practises) to avoid or reduce impacts on habitats and species during construction. These will include:

- Avoidance of dust, lighting and spill/run-off pollution impacts on the adjacent designated sites and retained woodland/hedgerow habitats;
- Reasonable Avoidance Measures (RAMs) for protected and priority species including great crested newt (GCN), reptiles and hedgehog during construction;
- Sensitive timing of vegetation clearance to avoid impacts on breeding birds;
- Contingency plans should a protected species be encountered during works;
- Details of those responsible for implementing the biodiversity method statement and lines of communication;
- Any times during construction when specialist ecologists need to be present on site to oversee / monitor works, including the provision of Toolbox Talks;
- Use of protective fences, exclusion barriers and warning signs, where required.

The approved CEMP will be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To protect habitats and species from adverse impacts during construction.

- 14 Prior to any construction above slab level, a lighting design plan for biodiversity shall be submitted to and approved in writing by the local planning authority. The lighting design for the development will align with the National Planning Policy Framework 2021 and the Bat Conservation Trust and Institute of Lighting Professional's 'Guidance Note 8: Bats and Artificial Lighting 08/23. The plan will show how and where external lighting will be installed and will include a baseline lighting assessment for the site/site boundaries. The Plan will detail the expected vertical and horizontal light spill in Lux levels, so that it can be clearly demonstrated that areas to be lit will not increase lighting impacts on Designated Sites, retained woodland and hedgerows, or impact on areas of proposed landscaping and biodiversity enhancement. The Lux contour plan should incorporate any mitigation measures proposed to reduce impacts from external and internal lighting, including sensitive positioning / recessing of internal lighting, use of cowls, and/or tinted glazing treatments. All lighting shall be installed in accordance with the specifications and locations set out in the plan and be maintained thereafter. During occupation, no additional lighting will be installed without prior written agreement from the Local Planning Authority.

Reason: in the interests of biodiversity

- 15 Prior to development above slab level (to ensure time for the inclusion of integral features), a Biodiversity Enhancement Plan illustrating specific details and proposed locations for biodiversity enhancements will be submitted to the local planning authority for written approval. Measures will include native species planting, bee bricks and habitat features such as standing deadwood for insects, habitat boxes and fencing holes for hedgehog, and wall/tree-mounted boxes for bats and breeding birds.

Boxes for bats and birds will include those which are building integrated, and those for birds will be targeted at S41 priority species / red/amber listed species including house sparrow. All boxes included for wildlife will be Woodstone/woodcrete or similar to ensure durability. The Plan will include outline management proposals (timing and method) for all areas of habitat enhancement other than those within residential curtilage. The approved measures will be implemented and retained thereafter.

Reason: in the interests of biodiversity.

- 16 The reserved matters application(s) to be submitted pursuant to condition 1 above shall include details of vehicular and cycle parking, including visitor parking, and turning facilities. The provision of vehicular and cycle parking and turning facilities as approved, shall be implemented, in full, prior to the first occupation of the units they serve. These facilities shall be kept available for parking and turning purposes in connection with the units they serve at all times thereafter.

Reason: In the interests of highway safety and convenience

- 17 The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

- 18 The reserved matters application(s) to be submitted pursuant to condition 1 above shall include details of the road crossing of the RMAIDB culverted waterway. The road crossing will thereafter be laid out and constructed in accordance with approved details prior to the first occupation of any dwelling.

Reason: In the interests of highway safety.

- 19 Prior to the first occupation of any dwelling hereby permitted, one electric vehicle charging point per dwelling shall be provided, in accordance with specifications and in location(s) that have been submitted to and approved in writing by the Local Planning Authority.

All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:
<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

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

- 20 The details submitted pursuant to Condition 1 shall include an Arboricultural Impact Assessment and Tree Protection Plan. This shall take

account of the proposed layout and provide a schedule of arboricultural site monitoring for the duration of the development until completion. The development shall thereafter be implemented in accordance with the approved details.

Reason: in the interests of preventing damage to trees and their roots and preserving the amenity of the area.

Informatives and notes

- 1 It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs, or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

2 Plans/Documents approved by this decision:

Site Location Plan
Block Plan
Indicative Layout DS/2353/10
Design and Access Statement
Topographical Survey
Preliminary Ecological Assessment dated August 2022
Ecological Impact Assessment dated August 2023
Archaeological Desk Based Assessment dated September 2022
Flood Risk Assessment dated August 2022
Flood Risk Assessment additional information (Herrington Consulting Ltd) dated July 2023

In determining this planning application, the Council has had due regard for all relevant matters and particularly the National Planning Policy Framework. This includes the duty to work positively with the applicant to resolve potential issues and seek acceptable solutions.

This decision relates ONLY to the requirements of Town and Country Planning Act 1990. Separate determinations are required for other aspects of the planning regime, building regulations and environmental legislation. Any other permissions must be obtained separately from the relevant body.

The Council as Local Planning Authority expects the above Conditions to be complied with promptly. Where Conditions require details or other matters to be approved by the Council prior to commencement or occupation of the development, these must be submitted to the Council for its consideration well in advance, to ensure that there is no delay or loss to your project. Failure to observe the Conditions may result in enforcement action by the Council



Issued by the Chief Planning Officer

This decision notice consists of 9 pages

NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority then you may be able appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so promptly.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.gov.uk/government/organisations/planning-inspectorate.

The Inspectorate's website also gives details of timescales and the processes which would apply to this type of application.