

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

Date of Decision: 11 August 2023



Email: planning@folkestone-hythe.gov.uk

Mr David Sercombe
C/o Guy Hollaway
Hollaway Architects
The Tramway Stables
Rampart Road, Hythe
CT21 5BG

TOWN AND COUNTRY PLANNING ACT 1990

Application Number: 23/0159/FH

Proposal: Proposed replacement dwelling (involving the demolition of the existing fire damaged property) plus two additional dwellings to the rear of the site and associated external works.

Site Location: High Meadow, Sandling Road, Saltwood, Hythe, Kent CT21 4QJ

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

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 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.

- 3 No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be

implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- 4 No development beyond the construction of foundations shall take place on each plot, (unless specified to the contrary), until the relevant details set out below have been submitted to and approved in writing by the Local Planning Authority. Development of the relevant plot shall only be carried out in accordance with the approved details unless agreed otherwise by the Local Planning Authority in writing. Where relevant, the following details should be provided on drawings at an appropriate scale of 1:50 (where detail needs to be considered contextually related to a façade) and at 1:20 in other cases:

(a) full details of glazing and external doors, including all external joinery and framing methods and external colour (1:20),

(b) prior to installation - Details of any plant or machinery proposed on the roof and associated screens,

(c) prior to installation - Details of any satellite dishes or antenna,

(d) prior to installation - Details of rainwater goods, eaves, fascia and entrance canopies (including materials and finish, details of any supporting posts and related brick plinths and roofing materials),

(e) prior to installation - details of vents, louvres, extractor vents, external pipes, meters etc.

(f) prior to installation - 1:50 scale details of the parapet capping,

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

- 5 No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

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

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

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

- 7 Upon completion of the approved landscaping scheme, any trees or shrubs

that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

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

- 8 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.

Water efficiency calculations should be carried out using 'the water efficiency calculator for new dwellings'

<https://www.gov.uk/government/publications/the-water-efficiency-calculator-for-new-dwellings>

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

- 9 No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.

Reason: In the interest of promoting energy efficiency and sustainable development.

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

Reason: In the interests of highway safety and convenience.

- 11 Prior to the first occupation of each dwelling hereby permitted, one electric vehicle charging point (min 7KW) shall be provided, in accordance with specifications and in a location that have been submitted to and approved in writing by the Local Planning Authority.

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

- 12 No development shall take place, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period and shall include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Hours of construction

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

- 13 The approved bicycle storage facilities shall be provided prior to the first use of each dwelling hereby approved and shall thereafter be retained for the use of occupiers and visitors to the development.

Reason: In the interests of encouraging the use of sustainable modes of transport.

- 14 Prior to the commencement of the development the visibility splays as shown on the approved drawings shall be provided and thereafter maintained clear of any structure, tree, plant or other obstruction which exceeds 0.6 metres above carriageway level within the approved sight lines.

Reason: In the interests of highway safety

- 15 Prior to the first use of the dwellings hereby approved the first 5.5 metres of the accesses shall be finished with a bound surface.

Reason: In the interests of highway safety.

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

Reason: To ensure the appropriate disposal of surface water and to prevent runoff.

- 17 No external lighting shall be installed or operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. These details shall include:
- A Plan showing the locations of the lights;
 - Lighting to be downward facing and on motion sensors;
 - Lighting to follow the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.

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

- 18 No development beyond the construction of foundations shall take place until an ecological enhancement plan has been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate what measures will be incorporated in to the site to benefit biodiversity. Measures should include integrated bat and bird boxes, native species planting and enhancement features within the site boundaries. The plan must be implemented as approved.

Reason: In the interest of enhancing ecology and biodiversity.

- 19 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.

- 20 The development hereby permitted shall be carried out in such a manner as to avoid damage to existing trees that are identified for retention in the approved drawings including their root systems, and other planting to be retained by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, and in accordance with the approved Tree Protection Plan and any approved Arboricultural Method Statement. Such tree protection measures shall remain throughout the period of construction;

(b) No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;

- (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- (d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
- (e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, unless otherwise agreed in writing by the Local Planning Authority.
- (f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching shall be carried out to National Joint Utilities Group recommendations.

Reason: To protect and enhance the appearance and character of the site and locality.

- 21 21. In this Condition a “retained tree or shrub” is an existing tree or shrub which is to be retained in accordance with the approved plans and particulars. Paragraphs (a) and (b) below shall have effect within each plot approved immediately upon the commencement of the construction of the permitted building operations or the commencement of the permitted use (whichever is earliest) within each such plot until the expiration of 5 years from that date:

(a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998 Recommendations for Tree Work.

(b) If any retained tree or shrub is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To protect and enhance the appearance and character of the site and locality.

- 22 The first floor guest annexe accommodation located above the garage serving the replacement dwelling, shall not be occupied at any time other than as part of the primary residential use of the dwelling known as High Meadow or for purposes incidental and/or ancillary to the residential use of that dwelling.

Reason: As use as a separate unit of accommodation would be contrary to

the provisions of the development plan for 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 The applicant is reminded of the requirements of Tree Preservation Order No 8 of 2015 which remains in place.
- 3 Plans/Documents approved by this decision:

Design and Access Statement
Bat Survey
Preliminary Ecological Appraisal
Arboricultural Impact Assessment and Method Statement
Drawing Number 01 – Site Location Plan
Drawing Number 02 A - Existing and Proposed Block Plans
Drawing Number 03 B – Proposed Site Plan – Roof Plan
Drawing Number 04 – Replacement Dwelling Floor Plans, Sections and Elevations
Drawing Number 05 – House 1 Plans and Section
Drawing Number 06 – House 1 Elevations
Drawing Number 07 A – House 2 Plans
Drawing Number 08 A – House 2 Elevations
Drawing Number 09 B – Site Sections
Drawing Number 10 A – Proposed Bike Stores
Drawing J21078_Arb_TCP – Tree Constraints Plan

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.