

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

Date of Decision: 9 October 2020



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TOWN AND COUNTRY PLANNING ACT 1990

Application Number: Y19/0925/FH

Proposal: **Erection of 8 two storey dwellings with associated parking, access roads and retaining walls (resubmission of Y18/1013/FH).**

Site Location: **Land Adjoining Turner Court, Romney Avenue, Folkestone, Kent**

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

Subject to the following conditions:

- 1 The development must be begun within three years of the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out except in complete accordance with details shown on the submitted plans, numbers:
PL01 Rev P1 Site Location Plan
PL05 Rev P3 Proposed Site Plan
PL06 Rev P3 Proposed Site Plan with Levels
PL07 Rev P3 Proposed Romney Avenue Elevation
PL08 Rev P2 Proposed Plans and Elevations of Units 1 and 2
PL09 Rev P2 Proposed Plans and Elevations of Units 3 and 4
PL10 Rev P2 Proposed Plans and Elevations of Units 5 and 6
PL11 Rev P4 Proposed Plans and Elevations of Units 7 and 8
PL020 Rev P1 Proposed Site Sections Views A & B
PL021 Rev P1 Proposed Site Sections Views C & D

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in the interests of the visual amenity of the area.

- 3
1. Prior to commencement of the development a further desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall provide further detail on the provenance and chemical status of the imported materials used to build the development platform and shall include details of laboratory testing of the basic characterisation of the soil chemistry in the development area and the results of this. In addition the study shall include further assessment of the degree of ground gas risk associated with the presence of peat deposits. Using this information and the information obtained from the report submitted with the planning application, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.
 2. If the further desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:
 - A survey of the extent, scale and nature of contamination
 - An assessment of the potential risks to:
 - Human health
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Ground waters and surface waters,
 - Ecological systems,
 - Archaeological sites and ancient monuments; and
 - An appraisal of remedial options and identification of the preferred option(s).

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

3. If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning

Authority shall be given two weeks written notification of commencement of the remediation scheme works.

4. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

5. In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason:

Details are required to be approved prior to the commencement of development on the site because it is necessary that any contamination likely to be present on the site is identified and measures put in place to prevent pollution of the environment before work commences on site in order to ensure the protection of the environment and human health against contamination and pollution in accordance with Places and Policies Local Plan policy NE7 and government advice in the NPPF: 2019 and the NPPG: Land Affected by Contamination.

- 4 Prior to commencement of the development, including any excavation or land raising, the applicant shall obtain, from a suitably qualified engineer a written report detailing the types of foundations and retaining structures to be used, surface and foul drainage, the effect of any increase/decrease of site loadings, the possible effect on the stability of any adjoining properties, and any other factors needed to ensure the stability of the site and all adjoining land, properties and associated services.

The report shall also include a method statement which indicates measures to be adopted during the construction phase, including the specialist equipment to be used, to ensure that development does not cause instability to adjoining retaining walls, land and buildings.

This report shall be in accordance with the findings of the Geoenvironmental and Slope Stability Report and the Construction Stability Assessment submitted with the application.

No development shall take place until this report has been submitted to and approved in writing by the Local Planning Authority and all temporary and permanent works, design and construction shall only be undertaken by suitably qualified and experienced engineers and contractors using the necessary specialist equipment to ensure slope stability and ground integrity is maintained throughout.

No works other than those approved shall be carried out unless details of these have first been submitted to and approved by the Local Planning Authority.

All works recommended in the approved report and method statement (and any alternative works approved) shall be carried out as set out in the approved documents and upon completion confirmation from a suitably qualified engineer that the approved works have been carried out in full shall be submitted to and approved by the Local Planning Authority prior to any buildings being occupied.

Reason:

Details are required to be approved prior to the commencement of development in order to ensure that adequate measures are in place to protect the stability of the site, the development and neighbouring land and buildings during construction and for the lifetime of the development as the site lies within an area identified as being subject to soil instability as detailed on the Ordnance Survey Geological Survey in accordance with policy NE6 of the Places and Policies Local Plan and government advice in the NPPF: 2019 and the NPPG: Land Stability.

- 5 If pile foundations are required, a Piling Risk Assessment (written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination": Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73" must be submitted to and approved in writing by the Local Planning Authority before any piling work commences on site.

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.

- 6 Prior to the commencement of development, including any excavation or land raising, details of how ground water will be dealt with during construction and during the lifetime of the development shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason:

Details are required to be approved prior to the commencement of development in order to ensure that adequate measures are in place to deal with the ground water in the site in order to prevent land stability and flooding issues both during construction and throughout the lifetime of the development.

- 7 Full details of the proposed method of surface water drainage and sewage disposal, including measures to prevent surface water from being discharged onto the public highway, shall be submitted to and approved by the Local Planning Authority before the development commences. The approved schemes shall be fully operational prior to the occupation of the dwellings and thereafter maintained in a functional condition.

Reason:

Details are required to be approved prior to the commencement of development in order to ensure measures can be adequately accommodated within the development and are included as the development progresses.

- 8 No development shall take place, including any excavation or land raising until the following plans and details have been submitted to and approved by the Local Planning Authority:-
- (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
 - (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply.
 - (c) Details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation (within the crown spread of any retained tree or of any tree on land adjacent to the site)(within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree); such details to be in accordance with BS5837: 2012 Trees in Relation to Construction - Recommendations.
 - (e) Details of the specification and position of fencing (and of any other measures to be taken) for the protection of any retained tree from damage before or during the course of development. In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above, such details to be in accordance with BS5837: 2012 Trees in Relation to Construction - Recommendations.
 - (f) Details of how the foundations and other underground works have been designed to take account of tree roots in order to prevent future pressure to remove the trees. Such details to be in accordance with BS5837: 2012 Trees in Relation to Construction - Recommendation.

The construction of the development shall be carried out in complete accordance with the approved details.

Reason:

Details are required to be approved prior to the commencement of development in order to ensure the protection of the trees during construction and their long term retention as they are important to the visual amenity of the area and the stability of the slope.

- 9 From the commencement of any works on the site, including any excavation or land raising, all mitigation measures for badgers shall be carried out in accordance with the details contained within Appendix 3 of the Badger Survey (Martin Newcombe July 2018, amended April 2020) unless varied by a European Protected Species licence subsequently issued by Natural England.

Reason:

In order to ensure the protected species is adequately protected and safeguarded during the construction and lifetime of the development.

- 10 No work on the construction of the dwellings shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

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

- 11 Construction of the dwellings shall not commence until written documentary evidence has been submitted to and approved in writing by the Local Planning Authority proving the development will achieve a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a design stage water efficiency calculator.

No dwelling shall be occupied until written documentary evidence has been submitted to and approved by the Local Planning Authority, proving that the development has achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason:

In accordance with the requirements of policies CSD5 and SS3 of the Shepway Core Strategy Local Plan 2013 which identify the district as a water scarcity area and require all new dwellings to incorporate water efficiency measures.

- 12 Prior to the first occupation of each dwelling, the relevant parking and turning areas as shown on the approved plans shall laid out and suitably surfaced in the approved materials and thereafter kept available for parking and turning and maintained in a useable condition for occupiers and visitors to the dwellings.

Reason:

In order to ensure the provision of adequate off street parking in the interests of highway safety.

- 13 The gradient of the accesses to the dwellings shall be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

Reason:

In the interests of highway safety

- 14 No dwelling shall be occupied until secure and covered cycle parking has been provided within the curtilage of that dwelling for the parking of one bicycle per bedroom.

Reason:

To ensure that facilities are available for the parking of bicycles so as to encourage access to the site by means other than by private motorcar in accordance with policy T5 of the Places and Policies Local Plan.

- 15 Prior to first occupation of any dwelling, a plan for the ongoing management and maintenance of the undeveloped part of the site to include a programme of monitoring of the stability of the slope by a suitably qualified engineer shall be submitted to and approved by the Local Planning Authority. Regular monitoring reports on the stability of the slope and details of any measures required to ensure its ongoing stability shall be provided to the Local Planning Authority at intervals that shall be set out in the approved monitoring programme. Any works identified to be necessary to maintain the stability of the slope shall be first approved by the Local Planning Authority and then carried out within timescales to be agreed with the Local Planning Authority.

Reason:

In the interests of the amenity of the area and the stability of the slope.

- 16 Details of the positions, design, materials and type of boundary treatment to be erected for each dwelling shall be submitted to and approved by the Local Planning Authority and the approved boundary treatment shall be completed before each dwelling is first occupied.

Reason:

In the interests of the visual amenity of the area and the residential amenity of the occupants.

- 17 None of the buildings hereby approved shall be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority including an implementation programme and maintenance schedule. The details submitted shall include indications of all existing trees, shrubs and hedgerows on the part of the site that is to remain undeveloped. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with the implementation programme agreed with the Local Planning Authority and the soft landscape works shall be maintained in accordance with the agreed maintenance schedule.

Reason:

In the interests of the visual amenity and ecology of the area and the stability of the slope.

- 18 Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason:

In order to ensure adequate detail is provided.

- 19 No dwelling shall be occupied until adequate space has been made available within the curtilage of each dwelling for the storage of the required receptacles for refuse and recycling.

Reason:

To ensure wheelie bins etc. are not kept on the public highway and in the interests of the visual amenity of the area.

- 20 No trees on the site shall be lopped, topped or felled without the previous written consent of the Local Planning Authority until 12 calendar months after completion of the permitted development. Any trees removed without such consent or which die or are severely damaged or become seriously diseased before the end of the period shall be replaced with trees of such size and species as may be agreed with the Local Planning Authority. The tree works approved shall be carried out in accordance with British Standard 3998 (Tree Work).

Reason:

The trees are important to the visual amenity, biodiversity and ecology of the area and to the stability of the slope.

- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting those Orders) no development falling within Classes A,B,E,D and F of Part 1 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority.

Reason:

It is necessary for the Local Planning Authority to retain control over extensions, outbuildings and hardsurfacing in the interests of the appearance of the overall development and the underlying land stability, ground water and surface water drainage issues on the site.

- 22 Within six months of the works commencing on site, including excavation or land raising, details of how the development will enhance biodiversity shall be submitted to and approved in writing by the Local Planning Authority. This shall include the recommendations in section 4.10 of the Preliminary Ecological Appraisal (KB Ecology February 2019). The approved details shall be

implemented prior to the occupation of the last dwelling to be completed and shall thereafter be retained.

Reason;

In order to secure ecological enhancements on the site in the interests of the ecology and biodiversity of the area.

- 23 No development above slab level shall take place until details have been submitted to and approved by the Local Planning Authority demonstrating that fixed telecommunications infrastructure and High Speed Fibre Optic connections (minimal internal speed of 1000mb), capable of connection to commercial broadband providers, will be installed to all dwellings within the development. The approved infrastructure shall be installed in accordance with the approved details prior to the occupation or first use of each dwelling.

Reason:

To provide high quality digital infrastructure in new developments in the interests of achieving sustainable development.

- 24 No work above slab level shall take place until details of how 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, have been submitted to the Local Planning Authority and approved in writing. Such details as approved shall be implemented in full prior to the first occupation of any dwelling.

Reason:

To support the transition to a low carbon future through the use of on-site renewable and low-carbon energy technologies in the interests of achieving sustainable development.

Informatives and notes

- 1 Your attention is drawn to the need to contact the Council's Street Naming and Numbering Officer on 01303 853418 in order to have the new properties formally addressed.

- 2 You are reminded that, under the Wildlife and Countryside Act 1981, as amended (section1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under the Act. Trees and scrub are present on the application site and are assumed to contain nesting birds between 1st march and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

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

Approved Documents

A handwritten signature in black ink, appearing to be 'W. H. G. J.', written in a cursive style.

Issued by the Chief Planning Officer

This decision notice consists of 11 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.