

TOWN AND COUNTRY PLANNING ACT 1990

Notification of Grant of Outline Planning Permission to Develop Land

EW Kettle Deceased Trust
C/o Mr P Przyjemski
Hobbs Parker
Romney House Monument Way
Orbital Park
Ashford
Kent
TN24 0HB

Take notice that The Shepway District Council, the Local Planning Authority under the Town and Country Planning Acts has **GRANTED PERMISSION** for the development of land

situate at: **MILL FARM MILL LANE HAWKINGE FOLKESTONE**

and being: **OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (14 HOUSES) WITH ACCESS DETAILS. ALL OTHER MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) RESERVED FOR FUTURE CONSIDERATION.**

referred to in your application for permission for development received on 31st July 2015.

This Approval is subject to the following conditions:

CONDITIONS

- 1 Approval of the details of the layout, scale, appearance of the buildings and the landscaping of the site, hereinafter called "the reserved matters", shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

Such details are necessary for the full consideration of the proposal and have not, so far, been submitted.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason:

As required by Section 92 of the Town and Country Planning Act 1990 as amended.

- 3 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:

As required by Section 92 of the Town and Country Planning Act 1990 as amended.

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans 31054/5501/SK10 attached to PBA letter dated 18th January 2016, 31054/5501/SK16, the site location plan received on 20.07.15 and reserved matters drawings to be submitted under condition 2 and the following supporting documents:

Design and Access Statement

Reptile Survey

Landscape Statement

Transport Assessment

Baseline Ecological Audit

Foul Drainage and Surface Water Management Plan

Phase 1 Habitat Survey and update

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of saved policy SD1 of the Shepway District Local Plan Review.

- 5 The details submitted under condition 2 above shall show the retention of the existing public right of way across the site.

Reason:

To ensure the retention of safe and attractive pedestrian routes.

- 6 No work on the construction of the building(s) shall take place until samples of the materials 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 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.

- 7 The reserved matters details submitted under condition 2 above shall include details of the positions, design, materials and type of boundary treatment to be erected and the approved boundary treatment shall be completed before the buildings are first occupied or in accordance with a timetable agreed in writing with the Local Planning Authority.

Reason:

In the interests of visual amenity and the amenity of residents.

- 8 Details of the facilities for storage and collection of refuse and recyclables shall be submitted to and approved in writing by the Local Planning Authority and the approved facilities provided before the development is first occupied. Thereafter the approved facilities shall be kept available for use by the occupants of the development.

Reason:

To ensure adequate means of refuse and recycling collection in the interests of the amenities of residents and sustainability.

- 9 The details submitted under condition 2 above shall include adequate facilities for parking and turning areas to meet adopted standards and the approved facilities shall be completed and available for use before first occupation of the houses hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order (or any subsequent re-enacting Order) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

Reason:

Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- 10 i. No development shall commence until details of surface water drainage (including measures to prevent the discharge of surface water from private drives onto the highway) and a sewage disposal scheme for the site, based on sustainable drainage principles and supported by the relevant calculations, have been submitted to and agreed in writing with the local planning authority. The drainage strategy 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 100yr storm) can be accommodated and disposed with no increase in on-site or off-site flood risk. The development shall be carried out in accordance with the agreed surface water drainage and sewage disposal scheme.

ii. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a) a timetable for its implementation, and
- b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason:

To ensure proper drainage and in order to maintain the residential amenities of the area, in accordance with saved policies U2, U4 and SD1 of the Shepway District Local Plan Review.

- 11 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to, and approved in writing by, the Local Planning Authority.

Reason:

To ensure that features of archaeological interest are properly examined.

- 12 The recommendations and precautionary methods outlined in the Phase 1 Habitat Surveys (dated 2013 and 2015) and reptile survey shall be strictly adhered to in informing the details submitted under condition 2 above.

Reason:

To ensure that suitable mitigation is provided for ecology within the application site.

- 13 If the development hereby approved does not commence (or having commenced, is suspended for more than 12 months) within 2 years from the date of the planning permission, the approved ecological measures secured shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason:

In the interests of biodiversity protection.

- 14 The landscaping details submitted in accordance with condition 2 above shall incorporate the recommendations outlined in the Phase 1 Habitat Surveys (dated 2013 and 2015) and reptile survey and shall include full details of both hard and soft landscape works and an implementation programme and maintenance schedule. Details submitted for condition 2 shall meet with the principles set out in paragraph 4.2 of the Landscape Statement and include provision of a replacement hedgerow along the site frontage. No building shall be occupied until an approved landscaping scheme has been carried out in accordance with the approved details unless an alternative timescale has been agreed with the local planning authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule.

Reason:

In order to protect and enhance the appearance of the area.

- 15 A detailed lighting plan for the development including the road, car parking areas and footways/cycleways, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the siting and design of any lighting together with details of the spread and intensity of the lighting. It should also identify any areas/features on site that are particularly sensitive for bats and where lighting may cause disturbance along important routes used to access key areas of their territory and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The lighting shall be installed in strict accordance with the approved details prior to the first residential occupation of the dwellings hereby permitted and thereafter retained and maintained as approved.

Reason:

In the interests of highway safety, amenity and biodiversity.

- 16 Details submitted in relation to condition 2 (reserved matters), shall details of the existing and proposed site levels and the finished floor levels and ridge heights and the development shall be carried out in accordance with the approved details.

Reason:

In the interest of amenity.

- 17 No development above slab level shall take place until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of the kerb stone/crossing points which shall be of a wildlife friendly design, have been submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken with the subsequently approved details.

Reason:

To ensure a high quality external appearance to the development.

- 18 The details submitted in accordance with condition 2 shall include the provision of cycle parking for each dwelling and no dwelling shall be occupied until the approved cycle parking has been provided.

Reason:

To ensure that facilities are available for the parking of bicycles so as to encourage access to the site by means other than private motor car in accordance with policy TR5 of the Shepway District Local Plan Review.

- 19 The approved access shown on drawing 31054/5501/SK10 accompanying PBA letter dated 18th January 2016 shall be completed prior to the first occupation of the residential dwellings hereby approved and shall thereafter be permanently retained.

Reason:

In the interests of highway safety.

- 20 The approved sight lines shown on drawing Nos. 31054/5501/SK10 attached to PBA letter dated 18th January 2016 and 31054/5501/SK16 shall be provided prior to the first occupation of the dwellings hereby approved and maintained free of any obstruction exceeding 0.6 metres in height at all times.

Reason:

To secure adequate visibility for vehicles entering or leaving the site in the interests of highway safety in accordance with policy TR11 of the Shepway District Local Plan Review.

- 21 Prior to the first occupation of the dwellings hereby permitted the following works shall be completed for each dwelling, between it and the adopted highway:

- A) Footpaths with the exception of wearing courses; and
- B) Carriageways with the exception of the wearing course, but including a turning facility, highway drainage, visibility splays, street lighting, street name plates and highway structures (if any).

Reason:

In the interests of highway safety.

- 22 No part of the development shall be occupied until a footpath along Mill Lane up to the boundary of Mill Farm and Stable Cottage, as shown on drawing 31054/5501/SK10 accompanying PBA letter dated 18th January 2016, has been constructed and completed. This footpath shall thereafter be permanently retained.

Reason:

In the interests of highway safety, pedestrian safety and sustainability.

23 a. Prior to commencement of the development a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

b. If a 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).

c. 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.

d. 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.

e. 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:

To protect the environment and human health against contamination and pollution, in accordance with saved Local Plan Review policies SD1 and U10a and the NPPF: 2012.

- 24 No development shall commence until details of a construction management plan addressing construction vehicle loading/unloading and turning facilities and practices, parking facilities for site personnel and visitors, hours of working, precautionary mitigation measures for breeding birds and badgers and other relevant issues shall be submitted to the local planning authority for approval, with such details as approved, implemented for the duration of construction at the application site.

Reason:

In the interests of public amenity, ecology and highway safety.

- 25 Details shall be submitted to the Local Planning Authority for approval in conjunction with KCC Economic Development, for the installation within the site of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to all residential units. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

Reason:

In order to ensure the future provision of superfast fibre optic broadband for occupants.

- 26 No development shall take place until measures to prevent debris and spoil being deposited on the public highway have been installed and they shall be in use and maintained in a functioning condition at all times during the clearance, excavation and construction works. In the event that the measures installed do not satisfactorily prevent debris and spoil being deposited on the public highway alternative measures to be agreed by the Local Planning Authority shall be installed and shall be in use as soon as reasonably practicable and maintained in a functioning condition at all times. Any spoil or debris deposited on the public highway shall be cleared by the applicants or their contractors as soon as reasonably practicable.

Reason:

In the interests of public amenity and highway safety.

- 27 Measures to minimise the risk of crime, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED), shall be submitted as part of the details required under condition 2 (reserved matters).

Reason:

To reduce incidents of crime and the fear of crime against both property and person.

- 28 Construction 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. The development hereby permitted shall not 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 Shepway as a water scarcity area and require all new dwellings to incorporate water efficiency measures.

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>

- 29 No part of the development shall be occupied until the access to the site hereby approved has been finally surfaced, with the agreed drainage installed.

Reason:

To prevent obstruction of the highway and to safeguard the amenities of adjoining areas.

- 30 A full pre-development tree survey and report in accordance with BS5837:2012 identifying the trees to be removed, measures to protect those that are to be retained and measures to protect all trees on land adjoining the site shall be submitted as part of the details required under condition 2 (reserved matters).

Reason:

In order to protect and enhance the appearance of the area

- 31 Details of a "Pedestrians in Road" warning sign and a new street light on the existing telegraph pole shall be submitted to, and agreed in writing, by the Local Planning Authority. The sign and street light shall be erected in accordance with the approved details prior to the first occupation of the dwellings hereby approved and shall thereafter be retained.

Reason:

In the interests of highway safety.

- 32 20% of all dwellings are to be built to the standard of Part M(4)(2) Category 2 'Accessible and adaptable dwellings' of The Building Regulations 2010(as amended), details of how this is to be achieved shall be submitted to and agreed in writing with the Local Planning Authority before the ground floor accommodation is laid out, and the development shall be carried out in accordance with the agreed details.

Reason:

In accordance with the Lifetime Homes requirements of policies CSD2 of the Shepway Core Strategy Local Plan 2013 as subsequently incorporated into Part M(4)(2)'Category 2 : Accessible and Adaptable Dwellings' of Part M of the Building Regulations.

- 33 If clearance of vegetation or removal of trees is to take place during bird breeding season (between March and August in any one year) a suitably qualified ecologist must visit the site and he/she must check all areas to be affected for nesting birds. This shall be done within 24 hours prior to any vegetation/tree clearance commencing. If a nest is found the ecologist will erect a buffer zone of a minimum of 5m around the nest and no works shall occur within that buffer until the ecologist confirms that the chicks have fledged at which point the buffer zone can be removed and works can continue in that area. Works during the bird breeding season shall be completed using hand tools only.

Reason:

In order to ensure that the ecological and biodiversity interests of the site are safeguarded in accordance with saved policies SD1 and CO11 of the Shepway District Local Plan Review.

INFORMATIVES

- 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 A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW Tel 03303030119 or www.southernwater.co.uk
- 3 This decision is also conditional upon the terms of the Planning Agreement which has been entered into by the developer and the Local Planning Authority under Section 106 of the Town and Country Planning Act 1990. The Agreement runs with the land and not with any particular person having an interest therein.
- 4 Please note - with respect to condition 5 the detailed drainage design will need to take into consideration recent changes in guidance for climate change. As of 19 February 2016, the EA published new guidance on how to use climate change allowances in flood risk assessments. As LLFA, KCC will require that the design accommodates the 1 in 100 year storm with a 20% allowance for climate change and an additional analysis undertaken to understand the flooding implications for a greater climate change allowance of 40%. This analysis must determine if the impacts of the greater allowance are significant and exacerbate any flood risk.

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Shepway District Council, as local planning authority, has taken a positive and proactive approach to the proposed development, focusing on finding solutions:

The applicant/agent was provided with pre-application advice in accordance with the Council's Informal Advice Protocol and issues of concern were addressed in the submitted application

The applicant/agent was advised of any issues during the processing of the application and additional information has been submitted to address these.

The application was determined within the relevant timescales.

The application was considered by the Council's Development Control Committee and the applicant/agent was given the opportunity to speak in support of it

The development proposed has been considered against the National Planning Policy Framework, Local Plan policy and relevant material planning considerations and it is the view of the Local Planning Authority that planning permission should be granted.

In coming to this decision regard has been had to the following policies:

Shepway District Local Plan Review Saved Policies - SD1, HO1, BE1, BE16, U2, U4 U10a, TR5, TR6, TR11, TR12, LR9, LR10

Shepway Core Strategy Local Plan - DSD, SS1, SS2, SS3, SS5, CSD1, CSD2, CSD4, CSD5

National Planning Policy Framework 2012 - paragraphs 7, 8, 9, 14, 17, 34, 36, 42, 48, 49, 50, 56, 57, 59, 60, 61, 73, 74, 97, 99, 100, 109, 115, 118

Note:

You are advised that there may be conditions attached to this permission which require the submission of further details to this Authority before the development hereby approved commences or by other specified periods. Such details must be approved by the Local Planning Authority before development commences, or by any other such period specified.

A fee is payable for the discharge of and compliance with conditions of £97.00 per request or £28.00 if relating to planning permission for extending or altering a dwelling house or other development in the curtilage of and ancillary to a dwelling house. (This does not apply to the discharge of conditions on listed building consents)

Requests must be made in writing and must be on the form Approval of Details Reserved by Condition which can be downloaded from <http://www.shepway.gov.uk/content/view/200143/257/#planning>. The statutory period for determining requests is 8 weeks from receipt of a valid request and correct fee. If a decision is not reached within 12 weeks of receipt of a valid submission the fee will be refunded.

Please ensure that all requests for discharge of and compliance with conditions are addressed to the Head of Planning Services and not sent to any other section of the Council and that they are clearly marked with the planning application reference number at the top of this decision notice. Proceeding with the development without obtaining the relevant approvals required by the conditions or not complying with conditions in any other respect may invalidate the permission and may result in the Council serving a Breach of Condition Notice and subsequent prosecution if the Notice is not complied with.



Dated this 29th day of July 2016

Shepway District Council,
Civic Centre, Castle Hill Avenue,
Folkestone, Kent CT20 2QY

Ben Geering
Head of Planning

APPEAL GUIDANCE NOTES

Note:

This permission is confined to permission under the Town and Country Planning Act 1990 (as amended) and does not obviate the necessity for compliance with any enactment, bye-law or other provision whatsoever or of obtaining from the appropriate authority any permission, consent, approval or authorisation which may be required.

NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or the grant of it, subject to conditions, then you can 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 within six months of the date of the notice, using a form which you can get from Initial Appeals, The Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provision of a development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which had been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interests in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

