

**TOWN AND COUNTRY PLANNING ACT 1990
NOTICE UNDER ARTICLE 11 OF THE TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 -
APPLICATION FOR PLANNING PERMISSION ACCOMPANIED BY AN
ENVIRONMENTAL STATEMENT**

Notification of Grant of Planning Permission to Develop Land

Mr Andy Jarrett
C/o Mr Matt Shillito



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

**situate at: PRINCES PARADE PROMENADE PRINCES PARADE
HYTHE KENT**

**and being: HYBRID APPLICATION ACCOMPANIED BY AN
ENVIRONMENTAL STATEMENT FOR THE DEVELOPMENT
OF LAND AT PRINCES PARADE, COMPRISING AN
OUTLINE APPLICATION (WITH ALL MATTERS RESERVED)
FOR UP TO 150 RESIDENTIAL DWELLINGS (USE CLASS
C3), UP TO 1,270SQM OF COMMERCIAL USES INCLUDING
HOTEL USE (USE CLASS C1), RETAIL USES (USE CLASS
A1) AND / OR RESTAURANT/CAFE USES (USE CLASS A3);
HARD AND SOFT LANDSCAPED OPEN SPACES,
INCLUDING CHILDRENS PLAY FACILITIES, SURFACE
PARKING FOR VEHICLES AND BICYCLES, ALTERATIONS
TO EXISTING VEHICULAR AND PEDESTRIAN ACCESS
AND HIGHWAY LAYOUT, SITE LEVELLING AND
GROUNDWORKS, AND ALL NECESSARY SUPPORTING
INFRASTRUCTURE AND SERVICES. FULL APPLICATION
FOR A 2,961SQM LEISURE CENTRE (USE CLASS D2),
INCLUDING ASSOCIATED PARKING, OPEN SPACES AND
CHILDRENS PLAY FACILITY.**

referred to in your application for permission for development received on 19th September 2017.

This Approval is subject to the following conditions:

CONDITIONS

Time Limits

- 1 Application for approval of the reserved matters relating to the outline planning permission hereby permitted shall be made to the Local Planning Authority before the expiry of three years from the date of this permission.

Reason:

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

- 2 The development hereby permitted under the outline planning permission 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).

- 3 The development hereby granted full detailed planning permission shall 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 (as amended).

- 4 The development hereby permitted under the detailed planning permission shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

150-01 Proposed location plan

200-01 Proposed site plan Part A

200-02 Proposed site plan Part B

300-01 Ground floor plan

300-02 First floor plan

300-03 Proposed elevations

300-04 Proposed sections

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development.

Submission of Reserved Matters

- 5 Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping of the site, for each relevant phase or sub-phase of the development hereby permitted, hereinafter called "the reserved matters", shall be obtained from the Local Planning Authority in writing before any development associated with the reserved matters is commenced.

Reason:

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

- 6 The reserved matters details to be submitted pursuant to condition 1 of this planning permission shall include no more than 150 dwellings and shall demonstrate compliance (or provide for suitable alternative arrangements) with adopted vehicular and cycle parking standards and the documents and plans listed below through an accompanying Design Statement:

- i) Section 5 - Design Code, Planning, Design and Access Statement August 2017;
- ii) Parameter Plans - Application Site Area - Red Line PP - ASA 001;
- iii) Parameter Plans - Maximum Number of Storeys Plan PP - SH
- iv) Parameter Plans - Access and Circulation Plan PP - AC - 004;
- v) Parameter Plans - Land Use Plan PP - LU 003;
- vi) Parameter Plans - Development Zones Plan PP - DZ 002;
- vii) Parameter Plans - Maximum Heights Sections PP - MHS - 006.

Reason:

To ensure the development proceeds in accordance with the parameters approved under the Outline Planning Permission.

- 7 The reserved matters details to be submitted pursuant to condition 1 of this planning permission shall include details of measures to prevent the discharge of surface water onto the highway. Such details as approved shall be implemented in full and thereafter maintained in a functioning condition at all times.

Reason:

To prevent highway flooding, in the interests of highway safety.

- 8 The reserved matters details to be submitted pursuant to condition 1 of this planning permission shall include the retention of an 8 metre margin along the top of the southern bank of the Royal Military Canal and it shall be kept clear of any obstruction and/ or development at all times to enable Environment Agency access.

Reason:

In order to allow access for maintenance of the waterway and banks of the Royal Military Canal to help mitigate against future flood events.

- 9 The reserved matters details submitted pursuant to Condition 1 of this planning permission shall include the provision of a 1 metre high splash wall to be constructed 11 metres back from the existing primary splash wall and, with the exception of the 1 metre high splash wall, no other buildings or structures shall be located within 12 metres of the existing primary sea wall.

Reason:

In the interests of the safety of future occupants and property in the event of localised sea or surface water overland flow.

- 10 The reserved matters details submitted pursuant to Condition 1 of this planning permission shall include finished floor level details of the buildings to which the submission relates in accordance with the requirements of condition 49 of this planning permission. The buildings shall thereafter be constructed in accordance with the approved floor level details.

Reason:

In the interests of the safety of future occupants and property in the event of localised surface water overland flow.

- 11 The reserved matters details submitted pursuant to Condition 1 of this planning permission shall show no buildings or new tree planting to be proposed within 3.5 metres either side of the centre line of either the existing, or any new, combined rising main.

Reason:

In order to protect infrastructure.

- 12 The reserved matters details submitted pursuant to Condition 1 of this planning permission shall include details of all pedestrian and vehicular visibility splays either side of any access to the highway. Such visibility splays as approved shall be provided before the building(s) to which the access relates is first occupied or brought into use and shall be maintained clear of all obstructions in excess of 0.9 metres above the carriageway thereafter.

Reason:

To secure adequate visibility for vehicles and pedestrians using the site in the interests of highway safety.

Prior to Commencement

- 13 Prior to commencement of the development hereby permitted a phasing plan identifying all proposed phases and/or sub-phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of likely commencement dates of all principal elements of the development hereby permitted (including the leisure centre, residential development and the commercial development). Thereafter all phases and/or sub-phases of the development shall be carried out in accordance with the phasing plan unless otherwise previously agreed in writing with the Local Planning Authority.

Reason:

The development will not be carried out as a whole, so certain conditions require details to be submitted only in relation to individual plots comprised within the site or for the whole development. The boundaries of those plots must be identified in order for those conditions to be effective.

- 14 Prior to commencement of any part of the development hereby permitted evidence shall be submitted to and have been approved in writing by the Local Planning Authority demonstrating that full funding is available for the construction and fitting out of the leisure centre and that it is deliverable with that funding.

Reason:

Provision of the leisure centre was a material planning consideration in the decision to grant planning permission for the overall development.

- 15 Prior to commencement of the development on each relevant phase or sub-phase relating to the planning permission hereby permitted, a preliminary ecological appraisal (PEA) shall be carried out, the results and recommendations of which shall inform a review/ update of the detailed mitigation strategy to be submitted as part of condition 16 of this planning permission.

Reason:

In order to ensure up to date information is available to inform appropriate mitigation against the environmental effects of the development in accordance with the planning permission.

- 16 Prior to commencement of the development hereby permitted (including any ground works, site or vegetation clearance) within any relevant phase or sub-phase, a detailed Ecological Method Statement (EMS) (informed by the submitted Ecological Mitigation and Enhancement Plan, Lloyd Bore, August 2017; Appendix 4: Schedule of Environmental Mitigation; Appendix 5: Ecological Mitigation Strategy, Lloyd Bore REF: 3609-LLB-RP-EC-0010-S4-P04 03/07/2018; Appendix 6: Reptile report, Lloyd Bore REF: 3609-LLB-RP-EC-0011-S4- P01 26/06/2018; Appendix 7: Badger Report, Lloyd Bore REF NO. 3609-LLB-RP-EC-0012-S4-P02 03/07/2018) shall be submitted to and approved in writing by the Local Planning Authority. The content of the EMS shall include but not be limited to:

- a) Purpose and objectives for the proposed works, to include the eradication of Japanese knotweed from the site;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- c) Extent and location of proposed works, including the identification of a suitable receptor site, shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake/ oversee works;
- f) Use of protective fences, exclusion barriers and warning signs;
- g) Initial aftercare and long-term maintenance (where relevant);
- h) Disposal of any waste material;
- i) Interim management plan to ensure the habitats created/enhanced as part of the mitigation strategy will be managed appropriately;
- j) Details of ongoing monitoring.

The works shall be carried out in accordance with the approved details and retained as required thereafter.

Reason:

In order to ensure appropriate mitigation against the environmental effects of the development.

- 17 Prior to the commencement of any habitat clearance works in relation to the development hereby permitted, a habitat creation plan shall be submitted to and have been approved in writing by the Local Planning Authority. The habitat creation plan shall clearly set out the habitats which will be created within any relevant phase or sub-phase of the development hereby permitted. The approved plan shall inform the overarching Ecological Method Statement that is required to address Condition 16 of this planning permission and shall be incorporated into that document. Any habitat clearance works within any relevant phase or sub-phase shall only occur in accordance with the approved details.

Reason:

In order to ensure appropriate mitigation against the environmental effects of the development.

- 18 Prior to commencement of the development hereby permitted within any relevant phase or sub-phase, details of a street lighting plan and a lighting design plan for biodiversity, for that phase or sub-phase shall be submitted to and have been approved in writing by the Local Planning Authority, with such details as approved, implemented in accordance with the specifications and locations set out in the approved details for that phase or sub-phase and maintained thereafter in accordance with those details. The plans shall include:

- a) details of the design and external appearance and siting of all street and footpath lighting;
- b) details of how the impact of the lighting on the wider landscape has been considered;
- c) the hours of operation;
- d) identification of those areas/features on site that are particularly sensitive for badgers and bats and where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- e) details of how, where and what external lighting will be installed so that it can be clearly demonstrated that lighting will not disturb or prevent the above species using their territory;

Reason:

To ensure the lighting scheme minimises harm to the character and appearance of the area and to minimise light-related impacts upon foraging bats.

- 19 Prior to commencement of the development hereby permitted within any relevant phase or sub-phase, details of the proposed means of foul water sewerage disposal shall be submitted to and approved in writing by the Local Planning Authority for that phase or sub-phase, with such details as approved for that phase or sub-phase, implemented in full at the time of the relevant development.

Reason:

To ensure suitable measures are incorporated for the disposal of foul water from the site.

- 20 Prior to commencement of the development hereby permitted within each relevant phase or sub-phase, details shall be submitted to and have been approved in writing by the Local Planning Authority of the measures proposed to protect the public sewers within that phase or sub-phase, with such details as approved, implemented in accordance with the approved details.

Reason:

In order to protect existing infrastructure.

- 21 Prior to commencement of any relevant phase or sub-phase of the development hereby permitted a detailed sustainable surface water drainage scheme for that phase or sub-phase shall be submitted to and have been approved in writing by the Local Planning Authority. The detailed drainage scheme shall take into account the overall development and drainage requirements of the whole site and 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 discharged from the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

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 and 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.

- 22 Prior to commencement of any relevant phase or sub-phase of the development hereby permitted details of the implementation, maintenance and management of the sustainable drainage scheme associated with that phase or sub-phase, to include the drainage measures required by conditions 7, 21 and 31 of this planning permission shall be submitted to and have been approved in writing by the Local Planning Authority. The sustainable drainage scheme for that phase or sub-phase 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 that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction).

- 23 Details submitted pursuant to conditions 7, 21 and 31 of this planning permission shall ensure that there will be no discharge of surface water into land impacted by contamination or land that has previously been identified as being contaminated. There shall be no direct discharge to groundwater and no discharge to made ground.

Reason:

To protect vulnerable groundwater resources.

- 24 Prior to commencement of the development hereby permitted within any relevant phase or sub-phase, the relevant planning approval(s) shall have been obtained for any surface water drainage outfalls or other necessary engineering operations required to serve the development hereby permitted.

Reason:

In the interests of the proper planning of the site.

- 25 a) Prior to commencement of the development hereby permitted a desk top study shall be undertaken and submitted to and have been 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 the 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 have been 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 and whether or not it originates on the site. The report of the findings shall include:

- i) A survey of the extent, scale and nature of contamination
- ii) An assessment of the potential risks to;
- iii) Human health
- iv) Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- v) Adjoining land,
- vi) Ground waters and surface waters,
- vii) Ecological systems,
- viii) Archaeological sites and ancient monuments and
- ix) 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 previously 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 and approved by the Local Planning Authority before any further development takes place on that phase of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the development and surrounding environment and human health against contamination and pollution.

26 Prior to commencement of the development hereby permitted in any relevant phase or sub phase, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environment Management Plan shall include, but not be limited to, the following:

- a) Access point for HGVs and site personnel;
- b) Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction;
- c) Dust suppression methods;
- d) Commitment to no burning of materials on site;
- e) Details of and location of any lighting used for construction;
- f) Details of plant and noise generated from operation of vehicles and

- g) machinery;
- g) Location of any fencing/hoardings in order to avoid physical encroachment into adjoining habitats;
- h) HGV routing;
- i) Hours of operation;
- j) Details of any temporary traffic management/signage required;
- k) Pollution prevention and control;
- l) Prohibition of dewatering or discharge of wastes into canal and use of temporary on-site drainage works to divert runoff away from the canal
- m) Monitoring of works to avoid indirect effects upon surrounding habitats;
- n) Details of the supervised clearance and erection of herptile fencing and trapping and translocation of reptiles to created or enhanced off-site habitats;
- o) Details regarding how the clearance of bird nesting habitat will be prioritised within the period October to February (inclusive), which is outside the typical bird breeding season. If any areas of bird nesting habitat cannot be removed within this period, and need to be removed within the typical bird breeding season (March to mid-September), details of a bird nesting check by a suitably experienced ecologist and a protocol that must be followed if an active nest is recorded, shall also be provided;
- p) Details of tree protection measures to be installed around trees which have been agreed to be retained within the development
- q) Details of appointment of an Ecological Clerk of Works (ECoW) for the duration of the construction stage;

All details of the approved Construction Management Plan shall thereafter be adhered to during the construction of the relevant phase or sub-phase.

Reason:

To ensure appropriate mitigation of environmental effects and the provision of adequate off-street parking for construction-related vehicles, in the interests of highway safety and to protect the amenity of local residents during the construction phase.

- 27 Prior to commencement of the development hereby permitted within any relevant phase or sub-phase the Applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work in accordance with a written specification and timetable which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that features of archaeological interest are properly examined and recorded.

- 28 Prior to commencement of the development hereby permitted within any relevant phase or sub-phase details of foundations designs and any other development involving below ground excavation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason:

To ensure the preservation in situ of archaeological remains.

- 29 Prior to the commencement of the development hereby permitted within each relevant phase or sub-phase, details shall be submitted for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multipoint destinations and all buildings. The submitted details shall illustrate sufficient capacity, including duct sizing, to cater for all future phases of development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall thereafter be laid out in accordance with the approved details and at the same time as other services during the construction process.

Reason:

To ensure that there is sufficient capacity for high speed telecommunications provision

- 30 Prior to commencement of the development hereby permitted in any relevant phase or sub-phase, details of a phasing strategy for the realignment of the highway at Princes Parade shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

Reason:

In order to minimise the extent and duration of parking displacement and ensure that roadworks follow highway authority procedures in the interests of highway safety and the amenity of road users.

Prior to Construction above Foundation/Slab Level

- 31 Prior to construction above slab level of the leisure centre building hereby permitted, details of measures to prevent the discharge of surface water onto the highway shall be submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be implemented in full prior to the leisure centre building first opening to the public and thereafter maintained in a functioning condition at all times.

Reason:

To prevent highway flooding, in the interests of highway safety.

- 32 Prior to the construction of the leisure centre hereby permitted above foundation level, details of measures to improve/enhance the Royal Military Canal, its setting and its interpretation, together with a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in accordance with the approved timetable, and thereafter retained and maintained.

Reason:

To enhance and mitigate against harm to the Royal Military Canal and its setting, a designated Heritage Asset.

- 33 Prior to construction of the leisure centre building hereby permitted above foundation level, details of vehicular and cycle parking facilities for the leisure centre and the eastern public car park shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be made available prior to the leisure centre being first opened to the public and thereafter shall be kept available for use for parking in connection with the leisure centre and public car park at all times.

Reason:

It is necessary to make provision for adequate off street car and cycle parking to prevent obstruction of the highway and to safeguard the amenities of occupants and visitors to the development.

- 34 No construction work above the slab level of the leisure centre building hereby permitted shall take place until full details of hard landscaping works, including details of all materials to be used, have been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the completed development, in the interests of visual amenity and to enhance and mitigate against harm to the Royal Military Canal and its setting, a designated Heritage Asset.

- 35 No construction work above the slab level of the leisure centre building hereby permitted shall take place until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority, including an implementation programme and maintenance schedule. Details of 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; details of the planting mix for the 'green' roof; and an implementation programme. The leisure centre building shall not be opened to the public until the 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 thereafter be maintained in accordance with the agreed maintenance schedule.

Reason:

To ensure the satisfactory appearance of the completed development in the interests of visual amenity and to enhance and mitigate against harm to the Royal Military Canal and its setting, a designated Heritage Asset.

- 36 No construction work above the slab level of the leisure centre building hereby permitted shall take place until details of how the leisure centre building will achieve BREEAM 'outstanding' standard in relation to maximum water credits has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details.

Reason:

Folkestone and Hythe District is identified as a water scarcity area.

- 37 No work on the construction above slab level of any building shall take place within any relevant phase or sub-phase of the development hereby permitted until samples of the materials to be used in the construction of the external surfaces of the buildings within that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

Reason:

To ensure the development is finished in appropriate materials to mitigate against harm to the setting of the Royal Military Canal, a designated Heritage Asset and to ensure the satisfactory appearance of the completed development, in the interests of visual amenity.

- 38 No construction works on any dwelling or other building hereby permitted by the outline part of the planning permission shall commence until the foundations for the leisure centre have been completed.

Reason:

Provision of the leisure centre was a material planning consideration in the decision to grant planning permission for the overall development.

- 39 a) No works above slab level within the residential part of the development hereby permitted shall commence within each relevant phase or sub-phase until written documentary evidence has been submitted to and approved in writing by the Local Planning Authority proving the development within that phase or sub-phase 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.
- b) No phase or sub phase of the residential development hereby permitted shall be occupied until written documentary evidence has been submitted to, and approved by, the Local Planning Authority, proving that the relevant phase or sub phase 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), for each phase or sub-phase. Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason:

Folkestone and Hythe District is identified as a water scarcity area.

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>

Prior to First Use/Occupation

- 40 The visibility splays shown on the approved plans relating to vehicular access for the leisure centre building hereby permitted shall be provided before the building is first opened to the public and shall be maintained clear of all obstructions in excess of 0.9 metres above the carriageway thereafter.

Reason:

To secure adequate visibility for vehicles and pedestrians using the site in the interests of highway safety.

- 41 No building within any relevant phase or sub-phase of the development hereby permitted shall be occupied or first brought into use until a Verification report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to and approved in writing by the Local Planning Authority which demonstrates the suitable operation of the drainage system such that the flood risk is appropriately managed, as approved by the Lead Local Flood Authority, for that phase or sub-phase.

The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full 'as built' drawings; and topographical survey of 'as constructed' features.

Reason:

To ensure that flood risks from the development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

- 42 Prior to the first use or occupation of any of the buildings hereby permitted within any relevant phase or sub-phase, details of the relevant section of the 1 metre high splash wall to be constructed in that phase or sub-phase, together with information to demonstrate that the section of wall is sufficient to prevent water reaching the constructed development in a flood event, shall be submitted to and approved in writing by the Local Planning Authority. The splash wall details as approved shall be constructed in full prior to the first use or occupation of any building within that phase or sub-phase.

Reason:

In the interests of the safety of future occupants and property in the event of flooding.

- 43 The first 5m of all vehicular accesses to the public highway created within the development hereby permitted, taken from the back edge of the highway, shall be surfaced in a bound permeable material prior to the first use of each access and thereafter retained as such.

Reason:

To prevent loose material being transferred onto the highway in the interests of highway safety

- 44 The vehicular and cycle parking facilities to be approved under future reserved matter(s) applications as part of the development hereby permitted shall be made available prior to the first occupation or use of the units they serve. These facilities shall thereafter be kept available for parking purposes in connection with the relevant parts of the development at all times.

Reason:

It is necessary to make provision for adequate off street car and cycle parking to prevent obstruction of the highway and to safeguard the amenities of occupants and visitors to the development.

- 45 Prior to the first opening of the leisure centre building to the public a detailed plan setting out a schedule of publicly accessible health and well-being related benefits to be delivered within both the leisure centre and the areas of public open space, and a timetable for their delivery shall be submitted to and approved in writing by the Local Planning Authority in consultation with the South Kent Coastal Clinical Commissioning Group. Thereafter the initiatives shall be implemented in accordance with the details set out in the approved plan.

Reason:

To ensure that the public health and well-being benefits arising from the scheme are maximised and delivered.

- 46 Prior to the first use or occupation of any building hereby permitted in any relevant phase or sub-phase, full details of the play areas to be provided within that phase, including all landscaping and play equipment and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed in accordance with the approved timetable.

Reason:

To ensure appropriate equipped play is provided to serve the needs of the occupants of the Development and wider area.

All Other Conditions

- 47 Within 3 months of the development hereby permitted commencing in any relevant phase or sub-phase, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be updated at each phase or sub-phase to incorporate and review approved management plans for earlier phases, and upon development of the last phase shall provide a single LEMP for the entire development. The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed (including open space, play space and the promenade);
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of the management plan;
 - d) Appropriate management options for achieving the aims and objectives;
 - e) Prescriptions for management actions, together with a plan of management compartments;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organisation responsible for implementation of the plan;
 - h) Result of ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall thereafter be implemented in accordance with the approved details.

Reason:

In order to ensure appropriate mitigation against the environmental effects of the development.

- 48 No more than 50 dwellings of the residential development hereby permitted shall be occupied until the leisure centre building hereby permitted is opened to the public.

Reason:

Provision of the leisure centre was a material planning consideration in the decision to grant planning permission for the overall development.

- 49 The finished internal ground floor levels of all buildings shall be set at a minimum of 7.8 metres aODN and thereafter retained as such.

Reason:

In the interests of the safety of the users of the building in the event of flooding.

- 50 No additional external lighting, either freestanding or attached to any building or structure, beyond that approved under condition 18 of this planning permission, shall be installed.

Reason:

To limit harm from lighting from the development upon the character and appearance of the area and minimise light-related impacts upon foraging bats.

INFORMATIVES

- 1 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 and a Memorandum of Understanding. The Agreement runs with the land and not with any particular person having an interest therein.
- 2 A phase or sub-phase means the detailed element of the planning permission or any part of the outline element.
- 3 Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: ww.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

- 4 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.

In the view of the Local Planning Authority, and having taken into account all material planning considerations, there is insufficient demonstrable harm or conflict with policy arising from the proposal to warrant withholding planning permission.

In accordance with paragraph 38 the National Planning Policy Framework 2019, Folkestone & Hythe 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 considered by the Council's Planning & Licensing 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.

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 £116.00 per request or £34.00 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
http://ecab.planningportal.co.uk/uploads/appPDF/L2250Form027_england_en.pdf. 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 18th day of July 2019

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

Lisette Patching
Development Management Manager

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.