

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

Date of Decision: 17 December 2020



Email: planning@folkestone-hythe.gov.uk

Kate Fisher
Clague Architects
62 Burgate
Canterbury
CT1 2BH

TOWN AND COUNTRY PLANNING ACT 1990

Application Number: 20/0531/FH

Proposal: Demolition of existing dwelling and garage. Removal of conifer trees along north eastern site boundary. Proposed construction of three storey block of six apartments with parking, amenity spaces, bin & cycle stores.

Site Location: 3 Tanners Hill, Hythe, CT21 5UE

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 (as amended)

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans Proposed floor plans - 29684A/11 P4; Proposed elevations - 29684A/12 P5; Proposed side sections - Sheet 2 of 2 - 29684A/14 P2; Proposed front, side and rear elevation and proposed floor plan 29684A/15 P1 (bike store); Proposed site plan 29684A/10 P4; visibility splays 14441 T-01 Rev P1.

Reason:

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

- 3 No construction above foundation level of any property or properties shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted, inclusive of (windows, doors, bricks, tiles, cladding, brick bond pattern, mortar joints, rainwater goods and their routing/position, and depth of window reveals), 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.

- 4 No construction work above the foundation level of any building on site shall take place until a hard and soft landscaping scheme for the site, including an implementation programme and maintenance schedule, shall be submitted to the Local Planning Authority for approval in writing. The landscaping scheme shall be carried out in accordance with the approved details and implementation programme unless an alternative timescale has first been agreed in writing with the Local Planning Authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule. 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.

Reason:

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

- 5 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 Folkestone and Hythe District 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>

- 6 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 and recorded.

- 7 Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing, with provision and maintenance of the visibility splays shown on the submitted plans 14441 T-01 Rev P1 with no obstructions over 0.6metres above carriageway level within the splays, prior to the use of the site commencing.

Reason:

In the interests of highway safety.

- 8 Prior to commencement of development, details of:

- i. construction vehicle loading / unloading and turning facilities;
- ii. parking facilities for site personnel and visitors;
- iii. wheel washing facilities;
- iv. routing of construction vehicles to / from site;
- v. timing of deliveries

Shall be submitted to the Local Planning Authority for approval, in writing, with such details as approved, implemented in full and retained for the duration of the construction phase of the development.

Reason:

In the interests of highway safety and public amenity.

- 9 The parking and turning areas shown on the approved plans 29684A/10 Rev P4 shall be provided in full prior to the first occupation of any dwelling or dwellings hereby approved and shall thereafter be kept available for parking purposes in connection with the development at all times.

Reason:

It is necessary to make provision for adequate off street parking to prevent obstruction of the highway and to safeguard the amenities of adjoining areas.

- 10 Further details of the covered cycle parking facilities to be provided shall be submitted to the Local Planning Authority for approval, with such details as approved, thereafter implemented in full prior to first occupation of the dwellings hereby permitted and retained thereafter.

Reason:

In the interest of amenity and encouraging use of alternative methods of transport.

- 11 Details of the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority and the approved boundary treatment shall be completed before the first occupation of any unit or units, 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.

- 12 (a) Prior to commencement of the development the applicant shall obtain, from a suitably qualified engineer, a written slope stability report advising on the effect the development will have on the stability of the site and all adjoining land and properties. The report is to include, but need not be limited to, the types of proposed foundations, the effect that any excavations into sloping ground will have, types of retaining structures necessary, surface and foul drainage, the effect of any increase/decrease of site loadings, the possible effect to 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 should also include a method statement which indicates measures to be adopted during the construction phase to ensure that development does not cause instability to adjoining retaining walls, land and buildings. No development shall take place until this report has been submitted to and approved in writing by the Local Planning Authority.

(b) 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.

(c) All works recommended in the approved slope stability 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 the Local Planning Authority prior to the building being occupied.

Reason:

The site lies within, or within the influence of an area identified as being subject to soil instability as detailed on the Ordnance Survey Geological Survey and it is necessary to ensure that appropriate works are carried out in order to ensure the stability of the site and the development and the adjoining land and buildings

- 13 Prior to the commencement of works (including site clearance), a bat mitigation plan will be submitted to, and approved by, the local planning authority. The bat mitigation strategy will be informed by the recommended number of bat emergence surveys, between the period of May and September. The agreed mitigation measures will be strictly adhered to thereafter unless varied by a European Protected Species licence subsequently issued by Natural England.

Reason:

In order to safeguard any protected species that may be present at the site.

- 14 Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include provision of bat boxes and native species planting. The approved details will be implemented and thereafter retained.

Reason:

In the interests of safeguarding and enhancing biodiversity.

- 15 In accordance with the detail within the Greenspace ecological Solutions Arboricultural Impact assessment and Method Statement April 2020, before the development, including any site clearance works, is begun, tree protection measures in accordance with BS5837 : 2012 Trees in Relation to Construction – Recommendations, shall be erected for each tree or group of trees to be retained on this site, or such measures as may be agreed with the Local Planning Authority shall be provided and 7 (seven) working days' notice given to the Council's Arboriculture Manager in order that they may inspect these measures for compliance. The protection measures, as approved on site, shall be retained in position at all times until the completion of the development, and the land so enclosed shall be kept clear of all contractors' materials and machinery. The existing soil levels around the boles of the trees shall not be altered.

Reason:

To ensure that the trees are not damaged during the period of construction.

- 16 All ground protection (no-dig) elements identified within the Greenspace ecological Solutions Arboricultural Impact assessment and Method Statement April 2020, shall be carried out, with the works carried out under a watching brief from the applicants' arboricultural consultant and the local authority's senior arboricultural specialist. The applicant shall notify the Council of their intention to commence 7 (seven) working days before commencing the works.

Reason:

In order to prevent future pressure to remove the trees in the interests of visual amenity.

- 17 Provision and permanent retention of Electric Vehicle charging facilities prior to the use of the site commencing, in accordance with details to be submitted to and approved by the Local Planning Authority. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Reason:

In order to encourage the use of low carbon technologies.

- 18 Use of a bound surface for the first 5 metres of the access from the edge of the highway.

Reason:

In the interests of highway safety

- 19 Prior to first occupation of any unit or units hereby permitted, the opaque glazing and vertical 'hit and miss' timber fins shown on drawings proposed floor plans - 29684A/11 P4 and proposed elevations - 29684A/12 P5 shall be installed and thereafter retained and maintained.

Reason:

In the interests of safeguarding the residential amenity of neighbouring properties.

- 20 Further details of the covered cycle parking facilities to be provided shall be submitted to the Local Planning Authority for approval, with such details as approved, thereafter implemented in full prior to first occupation of the dwellings hereby permitted and retained thereafter.

Reason:

In the interest of amenity and encouraging use of alternative methods of transport.

- 21 Further details of the refuse and recycling facilities (bin store) to be provided shall be submitted to the Local Planning Authority for approval, with such details as approved, thereafter implemented in full prior to first occupation of the dwellings hereby permitted and retained thereafter.

Reason:

In the interest of residential and visual amenity.

Informatives and notes

- 1 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), 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 consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and 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 read 'M. J. [unclear]', is positioned below the 'Approved Documents' section.

Issued by the Chief Planning Officer

This decision notice consists of 8 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.