

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

Date of Decision: 12 November 2020



Email: planning@folkestone-hythe.gov.uk

Guy Hollaway
The Tramway Stables
Rampart Road
Hythe
CT21 5BG

TOWN AND COUNTRY PLANNING ACT 1990

Application Number: 20/0532/FH

Proposal: Residential Development at Royal Victoria Hospital site consisting of 19no. 4 & 5 bed houses and 19no. 1 & 2 bed apartments including associated external works

Site Location: Royal Victoria Hospital, Radnor Park Avenue, Folkestone, CT19 5BN

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

Subject to the following conditions:

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

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

- 2 No development shall take place other than in complete accordance with the following drawings (all prefixed 18.140 RVH):

001 rev. P00, 020 rev. P02, 030 rev. P01, 040 rev. P00, 041 rev. P00, 042 rev. P01, 043 rev. P00, 044 rev. P00, 050 rev. P01, 051 rev. P01, 052 rev. P01, 053 rev. P01, 054 rev. P01, 055 rev. P00, and the submitted Livingston/Alliance Construction Phase Plan.

Reason: For the avoidance of doubt.

Pre-commencement

3 (1) No development shall take place other than in accordance with the submitted desk top contamination study.

(2) If the desk top study shows that further investigation is necessary, an investigation and risk assessment based on (1) above 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:

(i) A survey of the extent, scale and nature of contamination;

(ii) 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

(iii) An appraisal of remedial options and identification of the preferred option(s).

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

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

(4) Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the

approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

- 4 If pile foundations (or any other foundation design using penetrative methods) are required a Piling Risk Assessment (written in accordance with EA guidance document *“Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination”*: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73” must be submitted to and agreed in writing by the Local Planning Authority before development commences on site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

- 5 No development shall take place until the exact position of the public sewer crossing the site has been determined by the applicant, and the sewer repositioned (if necessary) in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To avoid damage to the existing sewer system.

- 6 No development shall take place until details of the proposed means of foul and surface water disposal, which shall include details for the installation and long-term maintenance of a Sustainable Urban Drainage System (SUDS), have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the development is properly serviced

7 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

(1) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the District Planning Authority; and

(2) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the District Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

8 No development shall take place until the tree protection measures set out within the submitted Broad Oak Tree Consultants Ltd. Arboricultural Implications Assessment have been carried out on site (in accordance with BS5837:2012). These measures shall be retained throughout the duration of construction and any protected tree damage or killed during construction shall be replaced with a tree of such species and size as may be agreed in writing by the District Planning Authority.

Reason: In the interest of protecting trees, visual amenity, and biodiversity.

9 No development beyond laying of foundations shall take place until details have been submitted to and approved in writing by the Local Planning Authority for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the dwellings hereby permitted. Following approval the infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process, and be available for use on the first occupation of the dwellings unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP).

Reason: To ensure that the new development is provided with high quality broadband services.

10 No development beyond the construction of foundations shall take place until details to demonstrate that the dwellings hereby permitted shall use no more than 100 litres of water per person per day have been submitted to and approved in writing by the District Planning Authority. The details shall be implemented as agreed.

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

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

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

- 12 No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted (including bricks, tiles, cladding, mortar mix, brick bond pattern, raked joints, rainwater goods and their routing/position, and depth of window reveals) have been submitted to and approved in writing by the District Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- 13 No development shall take place until details of the proposed estate road, footways, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, access, carriage gradients as appropriate, shall be constructed and laid out in accordance with details to be submitted and approved by the District Planning Authority in writing before their construction begins. For this purpose plans and sections indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the District Planning Authority.

Reason: To ensure that the roads are constructed and laid out in a satisfactory manner.

During construction

- 14 No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the District Planning Authority.

Reason: In the interests of residential amenity.

Other

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

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

- 16 Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the District Planning Authority, and within whatever planting season is agreed.

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

- 17 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

- 18 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 recommendations in section 7.2 of the Preliminary Ecological Appraisal (Thompson Ecology January 2019). The approved details will be implemented and thereafter retained.

Reason: In the interest of enhancing biodiversity.

- 19 Prior to occupation, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting shall be installed in accordance with the agreed specification and locations set out in the plan and thereafter maintained in perpetuity.

Reason: In the interest of minimising impacts of development upon wildlife.

20 The car parking spaces shown on the approved drawings shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

Reason: To ensure adequate parking provision and avoid harm to highway safety and amenity.

21 Prior to first occupation of the dwellings hereby permitted details of secure bin and cycle storage for the approved flats shall be submitted to and agreed in writing by the Local Planning Authority and, upon agreement, shall be retained in perpetuity for all residents of the flats.

Reason: In the interest of amenity.

22 (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 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.

Informatives and notes

- 1 A formal application for connection to the public sewerage system is required in order to service this development. The developer is advised to read Southern Water's New Connections Services Charging Arrangements documents which is available to read at www.southernwater.co.uk/infrastructure-charges.

- 2 The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal);
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal);
 - on or within 16 metres of a sea defence;
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert;
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

- 3 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. Trees and scrub are present on the application site and are to be 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.

- 4 This development is subject to the terms of the accompanying s.106 legal agreement.

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 'Wynne', is positioned below the 'Approved Documents' heading.

Issued by the Chief Planning Officer

This decision notice consists of 10 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.