

**TOWN AND COUNTRY PLANNING ACT 1990**

*Notification of Grant of Outline Planning Permission to Develop Land*

Folkestone Harbour (GP) Ltd  
C/o Ms S Round  
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57 Berkeley Square  
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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: FOLKESTONE HARBOUR AND SEAFRONT FOLKESTONE KENT**

**and being: OUTLINE PLANNING APPLICATION WITH ALL MATTERS (ACCESS, SCALE, LAYOUT, APPEARANCE, LANDSCAPING) RESERVED FOR THE REDEVELOPMENT OF THE HARBOUR AND SEAFRONT TO PROVIDE A COMPREHENSIVE MIXED USE DEVELOPMENT COMPRISING UP TO 1000 DWELLINGS (C3), UP TO 10,000 SQUARE METRES OF COMMERCIAL FLOORSPACE INCLUDING A1, A3, A4, A5, B1, D1 AND D2 USES AS WELL AS SEASPORTS AND BEACH SPORTS FACILITIES. IMPROVEMENTS TO THE BEACHES, PEDESTRIAN AND CYCLE ROUTES AND ACCESSIBILITY INTO, WITHIN AND OUT OF THE SEAFRONT AND HARBOUR, TOGETHER WITH ASSOCIATED PARKING, ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT.**

referred to in your application for permission for development received on 1st October 2012.

This Approval is subject to the following conditions:

**CONDITIONS**

- 1 Approval of the details of the access, appearance, layout, landscaping and scale (hereinafter called "the reserved matters") for each phase or sub-phase of the development shall be submitted to and approved in writing by the local planning authority before any development is commenced within that phase or sub-phase. The development shall be carried out as approved.

#### Reason

In order to comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and as the outline application as submitted does not give particulars sufficient for consideration of these reserved matters

- 2 Applications for the approval of all the reserved matters for the first phase or sub-phase of the development shall be made to the local planning authority no later than five years from the date of this permission. Applications for approval of all remaining reserved matters shall be made to the local planning authority before the expiration of ten years from the date of this permission.

#### Reason

In order to comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure that the submission of reserved matters takes place within an acceptable timescale, in accordance with the Shepway Core Strategy Local Plan 2013.

- 3 The development shall be begun in each phase or sub-phase within two years of the date of approval of the final reserved matters to be approved in respect of that phase or sub-phase.

#### Reason:

In order to comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure that the submission of reserved matters takes place within an acceptable timescale, in accordance with the Shepway Core Strategy Local Plan 2013.

- 4 The submission of reserved matter applications pursuant to this outline application shall together provide for at least 720 and not more than 1000 dwellings and up to 10,000sqm gross commercial floorspace (A1, A3, A4, A5, B1, D1 and D2 uses) and demonstrate compliance with the following Parameter Plans and the text set out on those Plans to fix the development principles:-

Parameter Plan 1 Rev B - Planning Application Boundary.

Parameter Plan 2 Rev B - Buildings Retained/Demolished.

Parameter Plan 3 - Rev B - Plot key and Setting Out.

Parameter Plan 4 Rev B - Site Access.

Parameter Plan 5 Rev C - Public Realm.

Parameter Plan 6 Rev C - Existing and Proposed Site Levels.

Parameter Plan 7 Rev B - Minimum/Maximum Development Plot Level.

Parameter Plan 8 - Rev B - Ground Floor Horizontal Deviation.

Together with the mandatory design and specifications set out within the Folkestone Seafront Design Guidelines Approved Document 23.07.13 and Public Realm Design Guidelines July 2013.

#### Reason

To determine the scope of this permission in accordance with the submitted documents, to meet the strategic objectives of the Shepway Core Strategy Local Plan 2013, in order to ensure the delivery of a high quality sustainable new neighbourhood.

- 5 With respect to any condition that requires the prior written approval of the local planning authority, the works thereby approved shall be carried out in accordance with that approval unless a further submission is subsequently made to the local planning authority, in which case the works shall be carried out in accordance with that subsequent approval.

Reason

To ensure that the proposed development is functionally and visually satisfactory and does not prejudice the appearance of the locality in accordance with Policy SS6 of the Shepway Core Strategy Local Plan 2013.

- 6 Unless agreed otherwise with the local planning authority the development shall be carried out in accordance with the approved phasing plan no. E rev B and Public Realm Design Guidelines July 2013.

Reason

So as to ensure the development comes forward in conjunction with appropriate infrastructure and is delivered in accordance with the assumptions considered within the Environmental Statement, in accordance with policies SS5 and SS6 of the Shepway Core Strategy Local Plan 2013 and the NPPF.

- 7 The reserved matters submitted in accordance with Condition 1 shall include the following details to the extent that they are relevant to the reserved matters application in question:-

A. Layout

The layout of routes, buildings and spaces, the block form and organisation of all buildings including the locations and plan form of non-residential buildings, the distribution of market and affordable dwellings within that phase including a schedule of dwelling size (by number of bedrooms), the location of dwellings designed to seek to meet the Council's Lifetime Homes guidance (a minimum of 20%), full details of the approach to vehicle parking including the location and layout of adequate residential parking, visitor parking and parking for people with disabilities for each building type together with details of the design approach for access points into, and the ventilation of, any undercroft/underground parking, full details of the approach to residential cycle parking at a ratio of 1 space per bedroom and the approach to commercial and visitor parking strategy including the location, distribution, types of rack, spacing and any secure or non-secure structures associated with the storage of cycles and the location and form of open areas.

B. Access

The access and circulation of modes of travel within the relevant phase or sub-phase, the design of roads and paths and junction layout including the provision of footpaths and cycleways.

C. Scale and Appearance

Scale, form and appearance of the architecture within each phase in accordance with the mandatory parameter and design guidelines, including frontage design and public/private realm definition and boundary treatments

#### D. Public Open Spaces \_ Public Realm Design Strategy

The extent, layout and specification of public open spaces, in accordance with the mandatory Public Realm Design Guidelines July 2013 and including details of street furniture ( including lighting, seating, signage, bus stops, bins surface treatments, threshold levels) and play space and delivery of Marine Parade, accompanied by a management plan showing how the relevant areas of public open space are to be laid out, paved, planted, equipped and maintained together with a timetable for their implementation.

#### E. Landscaping

The landscape design and specification of hard and soft landscape works within each phase in accordance with the mandatory Public Realm Design Guidelines.

#### F. Playspace

The amount and location of play space including:

- a) A plot specific play space strategy including details of the play equipment proposed
- b) An overarching play space strategy which should have regard to the play space provision within preceding plots and proceeding plots as appropriate.

#### Reason

So as to ensure the development delivers development of the quality envisaged in the illustrative masterplan as required by the mandatory design guidelines, in accordance with, saved policies TR5, TR11 and TR12 of the Local Plan Review, policy SS6 of the Shepway Core Strategy Local Plan 2013 and the NPPF.

- 8 All reserved matters applications for residential development shall identify how the relevant areas of public open space (inclusive of the beach) are to be laid out, paved, planted, equipped and maintained together with a timetable for their implementation.

The public open spaces shall be laid out and implemented in accordance with the agreed timetable and phasing plan as required by Condition 6 and shall be permanently retained thereafter in accordance with the management plan as required by Condition 7 and for public amenity purposes only, unless otherwise agreed in writing with the local planning authority.

#### Reason

To ensure that satisfactory provision is made for the inclusion of green and open spaces and children's play and amenity equipment as an integral part of the new residential development, in accordance with policy SS6 of the Shepway Core Strategy Local Plan 2013.

- 9 For each phase or sub phase the reserved matters submitted in accordance with Condition 1 shall include details of how the following standards are to be met:

Code for Sustainable Homes Level 4

10% on site energy generation

90 litres/per person per day water efficiency standard for residential dwellings

#### Reason:

In accordance with the details of the application and water efficiency requirements of policy SS6 of the Core Strategy Local Plan 2013



- 10 Prior to the first occupation of the dwelling(s) hereby approved for each phase or sub phase, a written assessment, carried out by an appropriately qualified Code for Sustainable Homes Assessor upon the completion of the development and detailing a "Code For Sustainable Homes" rating of a minimum of 4; shall be submitted to and approved by the Local Planning Authority in writing, together with evidence demonstrating the achievement of the water and energy generation requirements.

Reason:

To ensure the development contributes to the principles of sustainable development as outlined in saved Local Plan Review policy SD1, policies DSD and SS3 of the Shepway Core Strategy Local Plan and Government advice contained in the National Planning Policy Framework.

- 11 The provision of vehicular and cycle parking facilities as approved for each reserved matter shall be made prior to the occupation of those units, both private and commercial, contained within the phase to which the provision relates. These facilities shall 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 car and cycle parking to prevent obstruction of the highway and to safeguard the amenities of occupants and visitors to the development, in accordance with saved policies TR5, TR11 and TR12 of the Local Plan Review, policy SS6 of the Shepway Core Strategy Local Plan 2013 and the NPPF.

- 12 The reserved matters submitted in accordance with Condition 1 shall show facilities clear of the highway for loading, unloading and turning of vehicles in accordance with the adopted standards of the Local Planning Authority. The approved scheme shall be laid out and suitably surfaced before the land/buildings is/are brought into use for the purpose now approved and maintained in a useable state for occupiers and visitors to the premises at all times.

Reason:

To ensure the retention of loading, unloading, turning and car parking areas within the site to prevent interference with the free flow of traffic along the highway and to safeguard the amenities of adjoining areas, in accordance with saved policies TR5, TR11 and TR12 of the Local Plan Review, policy SS6 of the Shepway Core Strategy Local Plan 2013 and the NPPF.

- 13 For each phase of development a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring of earlier and future phases and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

Reason:

In the interests of road safety and reducing vehicular traffic to the development, in accordance with saved policy TR13 of the Local Plan Review.

- 14 For each phase or sub phase Reserved Matters submission that includes non residential floorspace details of the following shall also be submitted:

Breakdown of non residential floorspace

Breakdown of 'comparison' (non perishable goods) and convenience (supermarket, grocers, newsagents) floorspace

Phasing controls to ensure the retail floorspace is delivered in sequence with the wider development of the seafront site and the relevant reserved matter phase.

Analysis of the amount of non residential uses already bought forward by previously approved reserved matters applications and how each subsequent reserved matters application relates to these.

Location of units taking into account the requirement for active frontages.

Reason:

In order to ensure that the development meets Shepway Core Strategy Local Plan 2013 policy SS6 and provides an acceptable mix and type of unit size.

- 15 The reserved matters submitted in relation to any development to east of harbour approach road/phase 5 as shown on Phasing Plan Plan E Rev B shall include the detailed design of the public realm improvements to the Harbour Viaduct and Harbour Arm, together with details of public accessibility. The public open spaces shall be provided to the reasonable satisfaction of the Local Planning Authority prior to the occupation of any dwellings within plot PH01/Phase 6 and open to the public in accordance with the approved details.

Reason:

So as to ensure the delivery of appropriate open space and public realm to serve the development and deliver the identified public realm improvements to the harbour as required by policy SS6 of the Shepway Core Strategy Local Plan 2013.

- 16 The reserved matters submission for phase 6/plot PH01 shall include play space and communally accessible amenity facilities (eating areas, tables, seating etc) within the communal gardens, inclusive of details of opening hours to residents and the public.

Reason:

To ensure the provision of adequate open, amenity and play space in accordance with saved policies LR9 and LR10 of the Local Plan Review and policy SS6 of the Core Strategy Local Plan.

- 17 The reserved matters submitted in accordance with Condition 1 shall ensure all properties incorporate provision of private outside space, inclusive of balconies. Properties with balconies but without private gardens shall also have access to communal gardens.

Reason; To ensure the provision of adequate amenity space to meet the needs of residents, in accordance with policy SD1 of the Local Plan Review and SS6 of the Shepway Core Strategy Local Plan 2013.

- 18 Reserved matters application submitted in relation to plot LLO1 and/or LL03 shall include details of publically accessible toilets, inclusive of details for their long term management and maintenance.

Reason:

To ensure the provision of adequate facilities in accordance with policies SS5 and SS6 of the Shepway Core Strategy Local Plan 2013.

- 19 No dwelling shall be commenced within each phase or sub phase until the following details (where relevant) have been submitted to and approved by the Local Planning Authority in writing:-
- a) 1:50 scale elevations and sections sufficient to identify the specific location of all external gas and electricity meters together with their relationship to proposed adjacent ground levels whether hard or soft landscaped
  - b) 1:20 scale details of porch canopies (including materials and finish, details of any supporting posts and related brick plinths and roofing materials)
  - c) Details of any other external fittings to dwellings and their locations (including aerials, dishes and amenity lighting)
  - d) Brick boundary wall pier and coping details
  - e) All proposed railings and gates within railings including style, detailing and final finish colour
  - f) Extract vents and Flues
  - g) Type of render and location of all render expansion joints

Reason: In order to ensure the design quality of the development is maintained in accordance with BE1 and SD1 of the Local Plan Review and policy SS6 of the Shepway Core Strategy Local Plan 2013.

- 20 Details of biodiversity enhancements, including the creation of new habitats (vegetated shingle) and signed pathways in accordance with the approved Environmental Statement shall be submitted to the LPA for approval alongside each phase/subphase reserved matters submission.

Reason:

In order to ensure appropriate mitigation against the environmental effects of the development in accordance with the approved Environmental Statement and the requirements of policies CSD4 and SS6 of the Shepway Core Strategy Local Plan 2013.

- 21 The reserved matters submitted in accordance with Condition 1 for phase 6/plot PH01 shall include mitigation measures to reduce the impact of wind flow downwash. Such measures shall include Computational Fluid Dynamics (CFD) assessment of wind effects once massing has been designed and include evidence to demonstrate how the results of the assessment have informed the detailed design of the proposed development.

Reason:

In accordance with the development mitigation measures set out within the approved ES addendum dated 24th April 2013.

- 22 Prior to commencement of construction in each phase the applicant shall submit to the Council details of the active recruitment measures undertaken to employ local workers. This should seek to provide apprenticeships and other training initiatives and set out where there has been or will be the local sourcing of services and suppliers.

Reason:

In accordance with the requirements of the Environmental Statement so as to mitigate the impacts of the development.

- 23 Prior to the commencement of development in phases 5 and 6 details of protection measures for the retained heritage assets as shown on parameter plan 2B shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall be implemented in accordance with the agreed schedule.

Reason

To protect the identified heritage assets and ensure that heritage is appropriately incorporated in to the development, in accordance with the NPPF, Shepway Core Strategy 2013 policy SS6 and retained local plan policies SD1 and BE5.

- 24 No development shall take place within any specific phase 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. The programme of archaeological works will thereafter be carried out in accordance with the approved details.

Reason: To ensure that features of archaeological interest are properly examined and recorded, in accordance with the NPPF, policies SS3 and SS6 of the Shepway Core Strategy Local Plan 2013.

- 25 Prior to the occupation of phase 2 details of and a timetable for the provision of a new bus stop shall be submitted to and approved in writing by the Local Planning Authority.

Reason

So as to appropriately mitigate the impact of the development on the local highway network and ensure public transport is accessible to the residents of the properties hereby approved, in accordance with policies SD1, TR11 and TR12 of the saved Local Plan, policy SS5 of the Shepway Core Strategy Local Plan 2013 and the NPPF.

- 26 For each phase or sub phase of development:

- (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 in accordance with policy BE19 of the Shepway District Local Plan Review and PPG14: Development on Unstable Land.

- 27 Development for each phase shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason:

To prevent flooding by ensuring the satisfactory disposal of surface water from the site, in accordance with policy CSD5 of the Shepway Core Strategy Local Plan 2013.

- 28 Prior to the commencement of development in each phase a construction management travel plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. This shall include but shall not be limited to the following:

Details of wheel washing facilities/measures to prevent debris and spoil from being deposited on the public highway, site personnel parking, dust suppression methods, plant and noise generated from operation of vehicles and machinery, fencing/hoardings, lighting, HGV routing, hours of operation, no burning on site, temporary controlled pedestrian crossings on Marine Parade, construction transport routing and timing, maintaining safe and convenient pedestrian and cycle links, protection or rerouting of National Cycle Network Route 2 during construction and retention and protection of parking areas along seafront during construction and other details to control the development works. All details of the approved construction management plan shall be adhered to during the construction period of that phase.

Reason:

In the interests of the amenities of nearby residents, the safety of the public highway and the aim of sustainable construction, in accordance with saved policy SD1 of Shepway District Local Plan Review, policy DSD of the Shepway Core Strategy Local Plan 2013 and the NPPF.



- 29 The carriageways of the proposed roads shall be laid out and constructed up to and including at least road base level, prior to the occupation of any residential dwelling or building intended to take access from that road.

Reason

To provide a satisfactory interim standard of access and safety and linkage with the existing highway network in accordance with saved policy TR11 of the Shepway Local Plan Review.

- 30 The carriageways, footways, shared surfaces, footpaths and cycleways within each phase or sub-phase shall be completed with final surfacing prior to the occupation of 90% of the units within that phase/sub-phase unless the road is a construction route in which case the final surfacing shall be completed following the cessation of use of that road as a construction route.

Reason

To provide a satisfactory final standard of access and safety and linkage with the existing highway network in accordance with saved policy TR11 of the Shepway Local Plan Review.

- 31 Prior to the commencement of development within each phase approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- a. A preliminary risk assessment which has identified:
    - i. all previous uses
    - ii. potential contaminants associated with those uses
    - iii. a conceptual model of the site indicating sources, pathways and receptors
    - iv. potentially unacceptable risks arising from contamination at the site.
  - b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - c. The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

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.

- 32 No occupation of any part of the development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy 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 any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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.

- 33 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons:

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- 34 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason:

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- 35 Prior to the commencement of development in any phase details of the flood risk management infrastructure shall be submitted to the Local Planning Authority for their approval in writing. This shall include details of;
- o How the groundwater levels have been verified on site and how they will be monitored throughout construction.
  - o Details of the appropriate drainage of excavations.
  - o Details of preparation for a flood emergency and contingency plan for construction works
  - o Details of the proposed beach nourishment and level raising in the early phases and the wave wall and revetment in the later phases.

o Details of a drainage strategy to ensure a risk of flooding of less than 1 in 200 years and a strategy to work within the capacity of the existing networks or adjacent site, incorporating sustainable drainage systems where possible.

The approved flood risk management infrastructure for the relevant phase must be completed to the reasonable satisfaction of the Local Planning Authority prior to the commencement of development within that phase.

Reason

To reduce flood risk to the proposed development and to ensure the long term management and maintenance of flood defence infrastructure in accordance with policy SS5 of the Shepway Core Strategy Local Plan and the NPPF.

- 36 The development hereby permitted shall not be commenced until such time as a beach maintenance plan has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority. Maintenance of the beach and all other flood defence infrastructure should be the responsibility of the local authority or similar approved body.

Reason

To reduce flood risk to the proposed development and to ensure the long term management and maintenance of flood defence infrastructure in accordance with policy SS5 of the Shepway Core Strategy Local Plan and the NPPF.

- 37 Development within phase 6 hereby permitted shall not be commenced until such time as a detailed design of the proposed wave wall on the Southern Quay has been submitted to, and approved in writing by, the Local Planning Authority.

The wave wall shall be constructed in accordance with the approved design to the reasonable satisfaction of the Local Planning Authority prior to the first occupation of Phase 6 unless an alternative timetable is agreed, in writing, by the Local Planning Authority. The wave wall shall be thereafter maintained in accordance with the approved details or as otherwise agreed, in writing, by the Local Planning Authority

Reason:

To reduce flood risk to the proposed development and to ensure the long term management and maintenance of flood defence infrastructure in accordance with policy SS5 of the Shepway Core Strategy Local Plan and the NPPF.

- 38 Operational waste plans for domestic and commercial waste shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of works in each phase. These plans shall refer to the overarching details set out in the approved waste strategy. The development shall be carried out in accordance with the approved plans.

Reason;

In accordance with the development mitigation measures set out within the approved ES addendum dated 24th April 2013 and the requirements of the NPPF.

- 39 No development hereby approved shall commence until the details of a Site Waste Management Plan (SWMP) has been submitted to and approved by the Local Planning Authority in writing for each phase or sub-phase. Works shall be carried out in accordance with the approved SWMP.

The SWMP shall include the following details:

- types of waste removed from the site
- identity of the person who removed the waste and their waste carrier registration number
- a description of the waste
- site that the waste is taken to
- environmental permit or exemption held by the site where the material is taken .

Reason:

To ensure the environmental impacts are adequately mitigated during the construction of the development in accordance with the requirements of the NPPF.

- 40 No development shall commence in any phase until the details of a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority in writing for each phase or sub phase. This shall include the following details;

- Measures to prevent the pollution of the sea, timing of the marine piling works (if required), timing of building demolition in relation to bird nesting season, survey of the sea wall prior to construction works
- Measures to reduce construction dust , vehicle emissions etc
- Details of demolition and construction plant selection
- Details of hoarding/s to screen demolition and construction activities

Reason

In accordance with the development mitigation measures set out within the approved ES addendum dated 24th April 2013 and the requirements of the NPPF.

- 41 The Sea Sports Centre shall be provided in accordance with the approved phasing plan unless unless a revised phasing plan is agreed in writing by the Local Planning Authority.

Reason:

In order to ensure the provision of the Sea Sports Centre as part of the development in accordance with policy SS6 of the Shepway Core Strategy Local Plan 2013.

- 42 The Beach Sports Centre hereby approved shall be provided in accordance with the approved phasing plan unless a revised phasing plan is agreed in writing by the Local Planning Authority.

Reason;

In order to ensure the provision of the Beach Sports Centre as part of the development in accordance with policy SS6 of the Shepway Core Strategy Local Plan 2013

- 43 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express prior written consent of the local

planning authority in concert with the Environment Agency, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Piling in the inter-tidal or sub-tidal areas, if required, shall only be undertaken at low tide when the harbour is empty and mudflats are exposed.

Reason:

To protect the underlying groundwater from potential pollution as, unless appropriately managed, piling on land affected by contamination may introduce pathways by which contamination can penetrate and pollute the aquifer. To protect seals and fish stocks from auditory and behavioural impact due to vibrations caused by piling.

- 44 Commercial/ non residential floorspace provision shall not exceed that outlined below (GIA m2), unless otherwise agreed in writing by the Local Planning Authority.

A1 convenience - 500m2 across scheme, maximum unit size 500m2

A1 comparison - 2500m2, maximum unit size 500m2

A3,A4,A5 - 3000m2, maximum unit size 800m2

D2 Leisure - 3000m2

D1 - non residential institutions - 500m2

B1 - 500m2

Reason:

In order to ensure that the development meets Shepway Core Strategy Local Plan 2013 policy SS6 and provides an acceptable mix and type of unit size.

- 45 Notwithstanding the provision of the Town and Country Planning Use Class Order 1987 (as amended) non-residential floorspace hereby approved shall not be used for Amusement Arcade or Betting Shop uses at any time.

Reason:

In order to ensure that the development meets Shepway Core Strategy Local Plan policy SS6 and provides appropriate uses.

- 46 A minimum of 30% of the retail (class A1) floorspace hereby approved across the development as a whole shall provide for individual units of 150 square metres (GIA) or less.

Reason:

In order to ensure that the development meets Shepway Core Strategy Local Plan 2013 policy SS6 and provides an acceptable mix and type of unit size.

- 47 Notwithstanding the provisions of the Town and Country Planning Use Class Order 1987 (as amended) no changes of use (permanent or temporary) will be permitted from B1 to to B8 or C3, from A1 to C3, from A1 to A2, from A3 to A1 or A2, from A4 to A1 or A2, from C3 to C4 or from D1 and/or D2 to A1, A2, A3 and B1 shall be allowed without the prior written consent of the Local Authorities [other than those expressly authorised by this permission]

Reason:



In order to ensure that the development meets Shepway Core Strategy Local Plan 2013 policy SS6 and provides an acceptable mix and type of unit size.

- 48 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting those Orders) no development falling within Classes A, B, D, E, F and H of Part 1, Class A of Part 2 and Class A of Part 40 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to retain control over future development of the approved dwellings due to the sensitivity of the location and relationship between properties in accordance with policies SD1, BE1 and HO1 of the Shepway District Local Plan Review.

## 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. The Agreement runs with the land and not with any particular person having an interest therein.  
The definitions and clauses within the s106 legal agreement should be read alongside the conditions set out within this decision notice.
- 2 The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd or [www.southernwater.co.uk](http://www.southernwater.co.uk)
- 3 A formal application for connection to the water supply is required in order to service this development. To initiate a Water Capacity Check please contact Atkins or [www.affinitywater.co.uk](http://www.affinitywater.co.uk)
- 4 A licence under the Marine and Coastal Access Act (2009) may be required.

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

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 subject to a Planning Performance Agreement

The application was considered by the Council's Full Council 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:

The following policies of the Shepway District Local Plan Review apply:

SD1, HO1, HO2, LR9, LR10, BE1, BE4, BE5, BE16, BE17, U4, U10, U10a, U11, U13, U14, U15, TR2, TR5, TR6, TR11, TR12, TR13, TR14, CO11, FTC11.

The following policies of the Core Strategy Local Plan apply:

DSD, SS1, SS2, SS3, SS4, SS5, SS6, CSD1, CSD2, CSD4, CSD5, CSD6

The following Supplementary Planning Documents and Government

Guidance apply:

National Planning Policy Framework

National Planning Policy Guidance

Kent Design Guide & associated appendices

Building for Life 12

Affordable Housing SPD

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.

A handwritten signature in black ink that reads "Christopher Lewis". The signature is written in a cursive style with a large initial 'C'.

Dated this 30th day of January 2015

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

C Lewis  
Head of Planning