

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

Date of Decision: 27 November 2020



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TOWN AND COUNTRY PLANNING ACT 1990

Application Number: 20/0579/FH

Proposal: Full planning application for the restoration of the Leas Pavilion, including external and internal alterations in connection with the use of the building for ancillary residential use (Class C3), and flexible use for community access/assembly and leisure (Class D2), together with the construction of a nine storey residential apartment block (5 full storeys, with setbacks to the upper four storeys) and associated cycle and refuse storage, landscaping, with parking provided to either side of the Leas Pavilion at half-basement and lower ground floor levels, accessed from Longford Terrace and Longford Way.

Site Location: The Leas Club, The Leas, Folkestone, CT20 2DP

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

Subject to the following conditions:

- 1 The development must be begun within two years of the date of this permission.
Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and in order to ensure that the development accords with the submitted viability appraisal.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans numbered: 19.098.001; 19.098.002; 19.098.003; 19.098.011; 19.098.012;

19.098.013; 19.098.014; 19.098.015; 19.098.031 REV P1; 19.098.032 REV P2; 19.098.033 REV P3; 19.098.034 REV P3; 19.098.035 REV P2; 19.098.036 REV P1; 19.098.037 REV P1; 19.098.038 REV P1; 19.098.039 REV P1; 19.098.040 REV P1; 19.098.041 REV P1; 19.098.042 REV P1; 19.098.051 REV P2; 19.098.052 REV P2; 19.098.053 REV P2; 19.098.054 REV P3; 19.098.061 REV P1; 19.098.062 REV P1; 19.098 Leas Pavilion D&A v3; 19.098 Addendum to Leas Pavilion D&A v1

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

- 3 No construction work above the ground floor slab level of any building on site shall take place until samples of the materials to be used in the construction of all of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed development and in the interests of visual amenity.

- 4 Notwithstanding the details submitted to date, no development above the ground floor slab level of any building on site shall take place until details (at a scale of 1:10 or 1:20) have been submitted showing the ventilation proposed within the terracotta plinth. Such details shall ensure that suitable ventilation will be made with an appropriate appearance. No development above the ground floor slab level shall take place until such details have been approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved plans.

Reason: To ensure the satisfactory appearance of the completed development, to ensure a satisfactory treatment of the listed building and in the interests of visual amenity.

- 5 Notwithstanding the details submitted to date, the following plans shall be provided showing the details of all following elements (at the appropriate scale set below):

a) Details of windows, doors, patio sliding doors and garage entrance doors (including any casing for the roller shutters) to be provided scales 1:1 or 1:2 and 1:10 or 1:20

b) Details of the construction of the terracotta plinth element to be provided, including junction with the footway, corners, copings, vent openings, door openings, jams and soffits and elevation arrangement drawings showing the size and spacing of the terracotta panels at a scale of 1:10 or 1:20 with typical part elevation arrangement drawings at a scale of 1:20 or 1:50.

c) Details of the construction of the terracotta plinth element to be provided, including junction with the footway, corners, copings, door

openings, jams and soffits and elevation arrangement drawings showing the size and spacing of the terracotta panels at a scale of 1:10 or 1:20 with typical part elevation arrangement drawings at a scale of 1:20 or 1:50.

d) Details of the zinc banding along each balcony at a scale of 1:10 or 1:20, and how this will be affixed to the building ensuring a clean finish.

No development above the ground floor slab level of any building on site shall take place until such details have been approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved plans.

Reason: To ensure the satisfactory appearance of the completed development, to ensure a satisfactory setting for the listed building and in the interests of visual amenity.

- 6 Notwithstanding the details submitted to date, no development above ground floor slab level shall take place until details of the planting troughs and planters to be provided have been submitted to the local planning authority and thereafter approved in writing. No development above ground floor slab level shall take place until such details have been approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved plans.

Reason: To ensure the satisfactory appearance of the completed development, to ensure a satisfactory setting for the listed building and in the interests of visual amenity.

- 7 No development above the ground floor slab level shall take place until details of the proposed roof covering to the roof of the Leas Pavilion has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved plans.

Reason: To ensure the satisfactory appearance of the completed development, to ensure a satisfactory setting for the listed building and in the interests of visual amenity.

- 8 No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls without the prior approval in writing of the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development, to ensure a satisfactory setting for the listed building and in the interests of visual amenity.

- 9 No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls without the prior approval in writing of the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development, to ensure a satisfactory setting for the listed building and in the interests of visual amenity.

- 10 No dwelling is to be occupied until details of all external lighting has been submitted to and approved in writing by the Local Planning Authority and these works shall be undertaken in accordance with the approved details and maintained thereafter.
Reason: To ensure the satisfactory appearance of the completed development, to ensure a satisfactory setting for the listed building and in the interests of visual amenity.
- 11 Prior to occupation of the development samples of the hard landscape works (i.e. all pavements and areas of hardstanding throughout the development, including those within the highway) must be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building or land.
Reason: To ensure the satisfactory appearance of the completed development, to ensure a satisfactory setting for the listed building and in the interests of visual amenity.
- 12 Prior to the first occupation of any of the permitted dwellings, the visibility splays shown for each access on the submitted plan shall be provided and thereafter maintained with no obstructions over 1.05 metres above carriageway level within the splays.

Reason: In the interests of highway safety.
- 13 The vehicle parking and vehicle turning facilities shown on the approved plans shall be kept provided and available for parking purposes in connection with the approved development prior to the first occupation of any dwelling hereby permitted and shall be retained as such at all times thereafter.

Reason: To ensure the permanent retention of the facilities for parking purposes within the curtilage of the site in order to avoid obstruction of the highway, safeguard the amenities of adjacent properties and encourage alternative modes of sustainable transport.
- 14 Full details of secure covered cycle storage provision, demonstrating how each unit will have adequate provision, shall be provided prior to the occupation of any of the apartments hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority and thereafter retained as such.

Reason: To encourage alternative modes of sustainable transport.
- 15 Details of electric vehicle (EV) charging points shall be submitted to and approved in writing and installed prior to first occupations of the dwellings hereby permitted and shall thereafter be retained in good working order. 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: To improve the sustainability of the site.

16 No development above ground floor slab level shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The construction management plan shall include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Unloading and turning proposals for construction and delivery vehicles
- (c) Provision of wheel washing facilities / clean up from excavation methodology.

Reason: To ensure a suitable means of construction, ensure highway safety and to protect the amenity of neighbouring residents.

17 No development shall take place until details showing proposed highway improvement scheme at site frontage on The Leas has been submitted to and approved in writing by the local planning authority. The highway improvement shall be completed prior to the first occupation of any residential unit. The development shall be carried out in accordance with the approved plans.

Reason: To ensure a high standard of design quality in accordance with the NPPF.

18 The dwellings 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.

Water efficiency calculations should be carried out using 'the water efficiency calculator for new dwellings'
<https://www.gov.uk/government/publications/thewater-efficiency-calculator-for-new-dwellings>

Reason: In accordance with the requirements of policies CSD5 and SS3 of the Shepway Core Strategy Local Plan 2013 which identify Shepway as a water scarcity area and require all new dwellings to incorporate water efficiency measures.

- 19 Within six months of work commencing details of how the development will encourage biodiversity will be submitted to and approved in writing by the Local Planning Authority, and shall be carried out in accordance with details. Details should include the provision of bird boxes where appropriate.

Reason: To encourage biodiversity in accordance with paragraph 170 of the National Planning Policy Framework.

- 20 The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter.

Reason: To ensure a satisfactory standard of accommodation, in accordance with the requirements of the NPPF.

- 21 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 Local Planning Authority.

Reason: In the interests of residential amenity.

- 22 No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times:- Monday to Friday 0900 - 1700 hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- 23 An acoustic consultant's report, must be carried out and agreed in writing prior to the first occupation of the residential units to calculate the level of sound insulation and mitigation required within the ceiling and floor that separates the residential and commercial unit. The level of insulation, should be sufficient to deal with the level and character of the sound sources below, and that this will in turn result in acceptable internal noise levels above i.e. BS2833:2014 internal noise levels. It will not cause unreasonable noise nuisance to nearby residential premises.

The consultant must be considered competent with appropriate qualifications in this subject.

Reason: Protect the amenities of future occupiers.

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

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

(b) 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 by the Local 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.

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

Reason: To ensure that historic building features are properly examined and recorded.

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

Reason: To ensure that historic building features are properly examined and recorded.

27 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure adequate drainage is provided to all residential units.

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

Reason: To protect the environment and human health against contamination and pollution, in accordance with saved Local Plan Review policies SD1 and U10a and the NPPF: 2019.

29 No development above ground floor slab level shall take place until details

of how the development as a whole will reduce carbon emissions by a minimum of 10 percent above the Target Emission Rate, as defined in the Building Regulation for England approved document L1A: Conservation of Fuel and Power in Dwellings, have been submitted to and approved in writing by the Local Planning Authority. Upon approval the measures shall be implemented as a condition and thereafter retained and maintained in perpetuity.

Reason: To support the transition to a low carbon future through the use of on-site renewable and low-carbon energy technologies.

- 30 No development above ground floor slab level 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.

- 31 No construction work above ground floor slab level of any building on site shall take place until the details of the joinery (including colour), balconies, louvres, screens and movement joints 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.

- 32 Notwithstanding the provisions of Class B Part 16, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order, no satellite dishes, microwave antennae or aerials shall be erected on the building hereby permitted.

Reason: In the interests of residential amenity

Informatives and notes

- 1 It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

- 2 This planning permission is accompanied by a legal agreement under S.106 of the Town and Country Planning Act 1990 (as amended)

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 be 'W. G. G.', written in a cursive style.

Issued by the Chief Planning Officer

This decision notice consists of 14 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.