

TOWN AND COUNTRY PLANNING ACT 1990

Notification of Grant of Outline Planning Permission to Develop Land

C/o Mr Ben Harvey
Iceni Projects Ltd
Flitcroft House
114 - 116 Charing Cross Road
London
WC2H 0JR

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

**situate at: LAND REAR RHODES HOUSE MAIN ROAD SELLINDGE
KENT**

**and being: OUTLINE PLANNING APPLICATION FOR A
NEIGHBOURHOOD EXTENSION FOR THE CREATION OF
UP TO 162 HOUSES INCLUDING AFFORDABLE, SELF-
BUILD AND RETIREMENT HOUSING, UP TO 929 SQUARE
METRES CLASS B1 BUSINESS FLOORSPACE,
ALLOTMENTS, RECREATIONAL GROUND AND MULTI-USE
GAMES AREA, NATURE RESERVE, AND ASSOCIATED
ACCESS, PARKING, AMENITY SPACE AND LANDSCAPING**

referred to in your application for permission for development received on 13th October 2016.

This Approval is subject to the following conditions:

CONDITIONS

- 1 Approval of the details of the scale, appearance, layout and the landscaping of the site, hereinafter called "the reserved matters", shall be obtained from the Local Planning Authority in writing before any development is commenced. The layout details submitted shall include;
 - Allotments
 - Plot layout including details of the plots for the business units (class B1 use)
 - Nature reserve
 - Landscape buffers

Reason:

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

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of three years from the date of this permission.

Reason:

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

- 3 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:

As required by Section 92 of the Town and Country Planning Act 1990 (as amended).

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:
14.138.02 Rev C; 16-010-002 Rev D and 16-010-024.

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.

- 5 No work on the construction of the building(s) shall take place until samples of the materials to be used in the construction of the external surfaces of the building(s) 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.

- 6 No development shall take place (including ground works, vegetation clearance) until a construction environmental management plan (CEMP Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include provisions for bats, reptiles, water voles, common toads, breeding birds and badgers, and shall be based on the guidance outlines in the approved Ecological Appraisal (Ecological Solutions, September 2016). The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'biodiversity protection zones' including relevant receptor sites;
- c) Updated bat surveys where necessary prior to felling of trees;
- d) Provision of bat, amphibian and reptile 'rescue' if found;
- e) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- f) The location and a detailed time table of sensitive works to avoid harm to biodiversity features, especially vegetation clearance;
- g) The times during construction when specialist ecologists need to be present on site to oversee works and the role of an ecological clerk of works (ECoW);
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise previously agreed in writing by the Local Planning Authority.

Reason: In the interest of biodiversity.

- 7 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:
 - i) Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority in writing. A report detailing the results of the field evaluation works shall be provided to the Local Planning Authority prior to the submission of any reserved matters application; and
 - ii) Following on from the evaluation, any safeguarding measures required to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording shall be undertaken in accordance with a specification and timetable which has first been submitted to and approved in writing 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.

- 8 1. The development shall be carried out in accordance with the submitted 'Phase 1 Land Contamination Assessment for Land at Sellindge, Ashford by Ecologia' (ref:EES 14.249.1v2) for Quinn Estates Ltd dated 6 January 2017.

2. If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and 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;

- A survey of the extent, scale and nature of contamination
- 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
- 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 protect the environment and human health against contamination and pollution, in accordance with saved Local Plan Review policies SD1 and U10a and the NPPF.

9 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are occupied or in accordance with a timetable first agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the amenity of residents in accordance with saved policies SD1 and BE1 of the Shepway District Local Plan Review.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) no development falling within Classes A, B, D, E and F of Part 1 and Class A of Part 2 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 given the open layout and cluster design of the development; in accordance with saved policies SD1 and BE1 of the Shepway District Local Plan Review.

- 11 The development shall be carried out in accordance with the following:

- o Prior to the occupation of the first dwelling or commercial unit (whatever comes first), the site access and emergency access as approved on drawing number 16-010-002 Rev D shall be implemented and opened for use.
- o Prior to the occupation of the first dwelling or commercial unit (whatever comes first), the improvements to the Hythe Road arm of the Newingreen road junction as approved on drawing number 16-010-024 shall be implemented and opened for use.
- o Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.9 metres above carriageway level within the splays, prior to the occupation of the first dwelling or commercial unit on site (whatever comes first)

Reason: In the interest of highway safety.

- 12 Prior to commencement of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority to include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles
- (c) Parking for site personnel
- (c) Provision of wheel washing facilities
- (d) Management of dust
- (e) Timing of construction deliveries

Reasons: In the interests of highway safety.

- 13 All fixed mechanical and electrical plant, such as gas boiler or electrical supply sub-stations, and air-handling systems mounted externally around the proposed buildings, shall meet the following noise limits: less than or equal to 35dB at any noise sensitive noise receptor.

Reason: To ensure the background noise levels at the nearest noise sensitive receptors do not increase significantly as a result of the development design. This is in accordance with the general principles of BS4142.

- 14 No development shall take place until a construction noise and vibration management plan has been submitted to and approved in writing by the Local Planning Authority. This should contain noise limits, predicted levels, mitigation measures, monitoring requirements, and communication and complaint procedures.

Reason: To ensure the noise and vibration levels to neighbouring buildings remain within reasonable limits throughout the works.

- 15 Any dwellings to be erected within the area identified as not exceeding 65 dB Laeq 16h (as shown within appendix C of the submitted Noise Assessment dated September 2016) shall be built in accordance with the following measures (or acoustical equivalents as practicable):

- o Windows: Acoustically rated double glazed window, e.g. 8.8mm Pilkington Optiphon (Rw greater or equal to 45dB) in each habitable room, well sealed when closed.
- o Ventilation: Mechanical ventilation or acoustically treated air-brick ventilation system to habitable rooms (Dn,e,w greater than 39dB).

Any dwellings to be erected within the area identified as not exceeding 60 dB Laeq 16h or 55 dB Laeq 16h (as shown within appendix C of the submitted Noise Assessment dated September 2016), which is located 125m from the nearside kerb of the M20 carriageway, shall be built in accordance with the following measures:

- o Windows: Double glazing, 10/12/6mm, well-sealed when closed (Rw greater than 38dB)
- o Ventilators: Acoustic trickle ventilators (Dn,e,w greater than 25dB) in all habitable rooms.

Reason: To protect the amenities of the future occupiers.

- 16 No development shall commence until details of surface water drainage, based on sustainable drainage principles and supported by the relevant calculations, have been submitted to and agreed in writing with the local planning authority. The development shall be carried out in accordance with the agreed surface water drainage scheme.

Thereafter no dwelling or commercial unit shall be occupied until details of the implementation, maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:

- a) a timetable for its implementation, and
- b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

The agreed sustainable drainage scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- 17 No drainage systems for the infiltration of surface water drainage into the ground are permitted unless otherwise previously agreed in writing by 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. Where consent is required, details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason:

To prevent pollution of controlled waters and comply with the NPPF.

- 18 No lighting shall be installed on site prior to the submission and approval in writing by the Local Planning Authority of a lighting design strategy for biodiversity for the site. The lighting strategy shall include the following details:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory;
- c) Provide details of any dark corridors on site, and how they will be managed to provide benefits for any bat species.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interest of biodiversity.

- 19 Prior to the occupation of the first dwelling on site, details of a scheme for the enhancement of biodiversity, including the measures outlined in section 6.2 of the approved Ecological Appraisal (Ecological Solutions, September 2016), together with details of the timing/phasing of the respective elements forming the scheme and proposed management arrangements, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and thereafter maintained.

Reason: In the interests of biodiversity.

- 20 Prior to the commencement of construction of any road or footway to which they relate, details of the design or external appearance and siting of all street and footpath lighting, including details of how the impact of the lighting on the wider landscape has been considered and the hours of operation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with these approved details.

Reason:

To ensure the development would not result in harm to the character and appearance of the area and residential amenity, in accordance with policies SD1, BE1 and BE5 of the Shepway District Local Plan Review and Government guidance contained in the NPPF.

- 21 The submission of reserved matter application(s) pursuant to this Outline application shall provide for not more than 162 dwellings, of which 16 shall be for self-build. The exact number of dwellings will be determined via the application/s for the approval of Reserved Matters and may be for less than the maximum 162 allowed for in the Outline element of the permission.

Reason:

In accordance with the details of the application and requirements of policy CSD9 of the Shepway Core Strategy Local Plan 2013.

- 22 The provision of vehicular and cycle parking facilities as approved under a future reserved matters application shall be made available prior to the occupation of the units they serve, both residential and non-residential. 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 CSD9 of the Shepway Core Strategy Local Plan 2013 and the NPPF.

- 23 No dwelling or non-residential unit within the development shall be erected above slab level until written details in respect of the design of the windows and front doors have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and good design, in accordance with policies SD1 and BE1 of the Shepway Local Plan Review, DSD, SS1 and CSD9 of the Core Strategy Local Plan 2013 and the NPPF.

- 24 No dwelling or non-residential unit within the development shall be erected above slab level until the following details have been submitted to and approved in writing by the Local Planning Authority:

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

The development shall thereafter proceed in accordance with the approved details.

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 CSD9 of the Shepway Core Strategy Local Plan 2013.

- 25 Construction shall not proceed beyond slab level until written documentary evidence has been submitted to, and approved in writing by, the local planning authority proving the development will achieve a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a design stage water efficiency calculator.

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 Shepway 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>

- 26 The use of the commercial units hereby approved shall be limited to uses contained within Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking, amending or re-enacting that Order.

Reason:

In accordance with the details of the application and so as to ensure the Local Planning Authority are able to consider the implications of any further change of use in the interests of the amenities of the area in accordance with policies SD1 of the Shepway District Local Plan Review.

- 27 The business units (class B1) hereby approved shall not be used outside of the hours 0700-2300. No deliveries shall be made outside of the hours 0700 -1900.

Reason:

In the interests of the amenities of nearby residents and in accordance with policy SD1 of the Shepway District Local Plan Review.

- 28 No work above slab level on the construction of the building hereby permitted shall take place until a copy of formal confirmation has been supplied to the Local Planning Authority confirming that High Speed Fibre Optic (minimal internal speed of 100mb) will be supplied to the dwellings hereby permitted. Prior to the first occupation of any of the dwellings hereby approved, confirmation shall be submitted to the Local Planning Authority that the infrastructure to allow connection to High Speed Fibre Optic broadband (minimal internal speed of 100mb) has been laid out in the site.

Reason:

In order to ensure the future provision of superfast fibre optic broadband for occupants.

INFORMATIVES

- 1 This decision is also conditional upon the terms of the Planning Agreement which has been entered into by the developer, Kent County Council and the Local Planning Authority under Section 106 of the Town and Country Planning Act 1990. The Agreement dated 07 January 2019 runs with the land and not with any particular person having an interest therein.
- 2 Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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.

3 Public Right of Way:

- No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority;
- There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development;
- No hedging or shrubs should be planted within 1.5m of the edge of the public bridleway.
- The granting of planning permission does not give permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

Note:

You are advised that there may be conditions attached to this permission which require the submission of further details to this Authority before the development hereby approved commences or by other specified periods. Such details must be approved by the Local Planning Authority before development commences, or by any other such period specified.

A fee is payable for the discharge of and compliance with conditions of £116.00 per request or £34.00 if relating to planning permission for extending or altering a dwelling house or other development in the curtilage of and ancillary to a dwelling house. (This does not apply to the discharge of conditions on listed building consents)

Requests must be made in writing and must be on the form Approval of Details Reserved by Condition
http://ecab.planningportal.co.uk/uploads/appPDF/L2250Form027_england_en.pdf. The statutory period for determining requests is 8 weeks from receipt of a valid request and correct fee. If a decision is not reached within 12 weeks of receipt of a valid submission the fee will be refunded.

Please ensure that all requests for discharge of and compliance with conditions are addressed to the Head of Planning Services and not sent to any other section of the Council and that they are clearly marked with the planning application reference number at the top of this decision notice. Proceeding with the development without obtaining the relevant approvals required by the conditions or not complying with conditions in any other respect may invalidate the permission and may result in the Council serving a Breach of Condition Notice and subsequent prosecution if the Notice is not complied with.



Dated this 15th day of January 2019
Folkestone & Hythe District Council,
Civic Centre, Castle Hill Avenue,
Folkestone, Kent CT20 2QY

Llywellyn Lloyd
Chief Planning Officer

APPEAL GUIDANCE NOTES

Note:

This permission is confined to permission under the Town and Country Planning Act 1990 (as amended) and does not obviate the necessity for compliance with any enactment, bye-law or other provision whatsoever or of obtaining from the appropriate authority any permission, consent, approval or authorisation which may be required.

NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or the grant of it, subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of the notice, using a form which you can get from Initial Appeals, The Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provision of a development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which had been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interests in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.