

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

Date of Decision: 28 April 2020



Email: planning@folkestone-hythe.gov.uk

Mr Gordon Abbott
Net Studio
21 Spring Field House
5 Tyssen St
London
E8 2LY

TOWN AND COUNTRY PLANNING ACT 1990

Application Number: Y19/0214/FH

Proposal: Erection of a part two storey part three storey rear extension following demolition (now completed) of a two storey rear extension, together with erection of a part two storey, part three storey building comprising four new commercial units (classes A1, A2, A3, B1) and five new residential units (class C3). Change of use of existing ground floor commercial unit to include shops (class A1), alterations to windows on the north east elevation, together with other external alterations and formation of a new pedestrian access to serve Mill Bay with associated landscaping.

Site Location: 23 - 25 Tontine Street, Folkestone, Kent, CT20 1JU

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

Subject to the following conditions:

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

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

- 2 No development shall take place other than in complete accordance with the details shown on the submitted plans (inclusive of levels), numbers 23-25/50/A/42; 23-25/50/A/43; 23-25/50/A/44; 23-25/50/A/45; 23-25/50/E/161; 23-25/50/E/162; 23-25/50/E/163; 23-25/50/E/164; 23-25/50/E/165; 23-25/50/E/166; 23-25/50/E/167; 23-25/50/E/168; 23-25/50/A/43; 23-25/50/O/41; 23-25/50/O/42; 23-25/50/O/43; 23-25/50/O/44; 23-25/50/O/45; 23-25/50/O/61;

23-25/50/O/64; 23-25/50/O/66; 23-25/50/O/68; 23-25/100/A/00; 23-25/100/A/01; 23-25/100/A/02; 23-25/100/A/03; 23-25/100/A/04; 23-25/100/O/00; 23-25/100/O/01; 23-25/100/O/02; 23-25/100/O/03; 23-25/100/X/00; 23-25/100/A/00; 23-25/100/A/01; 23-25/1250/A/00; Design & Access Statement (including the materials, window, railing, and landscaping details set out at Appendix B); CCTV & Security Lighting Layout; Flood Risk Assessment; Q28 Topsoil and Ameliorants schedule; Q31 External Planting schedule; and Q35 Landscape Maintenance schedule.

Reason: For the avoidance of doubt.

- 3 The materials to be used on the external surfaces of the development hereby permitted shall be as set out within Appendix B of the approved Design and Access Statement (see condition 2).

Reason: In the interest of visual amenity and the character or appearance of the conservation area.

- 4 None of the residential units hereby permitted shall be occupied until the space shown on the approved plans for the storage of bicycles has been provided in full. Once provided, the space shall thereafter be retained for the storage of bicycles in association with the approved residential use.

Reason: To ensure that facilities are available for the parking of bicycles so as to encourage access to the site by means other than private motor car.

- 5 Prior to the first use of any commercial unit for A3 purposes full details of kitchen extraction/ventilation/refrigeration/air conditioning systems, including methods of sound attenuation and odour abatement and control shall be submitted to the Local Planning Authority in writing for approval. The approved systems shall be installed prior to the first use of the premises and retained in full working order thereafter.

Reason: In the interests of the amenities of nearby residents.

- 6 The A3 commercial use hereby permitted shall not be open to customers outside the following times 09:00 to 21:00.

Reason: In the interests of the amenities of nearby residents.

- 7 The facilities for storage and collection of refuse and recycling shown on the approved plans shall be provided prior to the development being first occupied and thereafter retained for this purpose in perpetuity.

Reason: To ensure adequate means of refuse collection in the interests of the amenities of residents.

- 8 No live or recorded music shall be played and no external speakers used in the external areas created by the development hereby approved.

Reason: In the interests of the amenities of nearby residents.

- 9 The new pedestrian access route from Tontine Street to Mill Bay hereby permitted shall not be open to members of the public outside the following times 07:00 to 20:00. The gate will be operated through an electronic access-control fob system and locking of the gate will be automatically timed and controlled.

Reason: In the interest of security and the amenities of residents.

- 10 Security measures, lighting, secure access and CCTV shall be provided in accordance with the agreed CCTV & Security Lighting Layout (see condition 2) prior to the first use of the development hereby approved.

Reasons: In the interest of amenity and in accordance with the details of the application.

- 11 The scheme of tree planting and landscaping shown on the submitted plans and within the approved Design & Access Statement shall be carried out prior to first occupation of the development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

- 12 1. Prior to commencement of the development a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

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.

Informatives and notes

- 1 The Environment Agency has highlighted the potential for previously-unknown culverted watercourses or drains on land to the rear. Excavations on site should be carried out carefully and the EA informed if any such watercourses or drains are discovered so that their extent and importance can be assessed.
- 2 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. 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 The applicant is advised to contact Kent Police to discuss the potential for on-site measures to ensure compliance with Crime Prevention Through Environmental Design (CPTED). The relevant officers can be contacted on pandcr@kent.pnn.police.uk.
- 4 With regard to condition 12 (contamination) the applicant is advised to consider the comments of Dr Linda Horsley in her letter dated 16 September 2015 (see file for application ref. Y15/0590/SH) in which it is acknowledged that the site is unlikely to be contaminated but further information in respect of ground gases and landscaped areas is requested.

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



Issued by the Chief Planning Officer

This decision notice consists of 6 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 to 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 using a form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.

The Inspectorate's website also gives details of timescales and the processes which would apply to this type of application.